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# MADISON RIVER NEGOTIATED RULEMAKING COMMITTEE

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March 6 & 7, 2019



**MADISON RIVER NEGOTIATED RULE MAKING COMMITTEE MEETING  
MINUTES FROM MARCH 6, 2019**

Mike Mitchell:           Okay, I think we're ready, going to go ahead and let FWP open things up. We'll do some housekeeping and then we'll get to work so Eileen.

Eileen Ryce:           Well first of all welcome it's good to see so many people (unintelligible) so people won't have to twist their necks. For those of you who don't know I'm the Fisheries Division Administrator. I wasn't able to make the last meeting. I was at the first one. I'll be here all day today but I won't be able to stay until tomorrow but I work pretty closely with Don so Don will give me an update on how everything goes tomorrow. Just before starting, just a couple of general comments I wanted to make it's great to see so many folks here observing in the back rows there. Obviously all of our meetings are open to the public. This is however a working meeting for the Committee. There will be a time at the end of the day I think Mike's got it down at 4:30 for public comment. During the rest of the day there won't be any opportunity for public interaction so if you did have any comments to make we'll ask that you keep those until the formal public comment period at 4:30. Additionally it is a fairly large crowd we are somewhat obligated to say anything disruptive to the meeting and we will have to ask people to leave. We will have enforcement here later in order to keep the meeting moving. If need be we will have enforcement remove people so I just wanted to mention that so everyone is aware of why we have law enforcement here. Also so everyone's aware we do have to let everyone know we are recording the meeting, I think Don's got a couple of records going around the room so anything you say will be digitally recorded. Other than that I'll be here all day if anyone wants to talk to me separately I'd be happy, we can go upstairs or outside in the snow to visit. Other than that I really won't have anything to say the rest of the day. For the Committee hopefully you get a lot of work done today and tomorrow. I know we're excited to see what comes out from the Committee and I know the Commission's also excited to see the products that you produce so hopefully it's a good productive couple of days and then if there's any logistics that I can help with specifically for the Committee let me know. I know we've been transcribing the notes for you is that working okay for everybody?

Julie Eaton:           It's been tremendous. I know when you open up a PDF it's 221 pages

Eileen Ryce:           Yeah

Julie Eaton:           but that's, it's necessary. I've been able to pick out things

Eileen Ryce:           Okay

Julie Eaton:           and I really appreciate it.

Eileen Ryce:           There is going to be a test at the end so we can tell, especially Mike to see if Mike's been reading them, every word he says.

Michael Bias: (unintelligible) tests.

Mike Mitchell: Mike is scared by anything he said.

Eileen Ryce: So good, I'm glad those are helpful and you're

Scott Vollmer: So we're going to put those e-mails on

Charlotte Cleveland: I didn't even know they were on, what site are they on?

Eileen Ryce: Don's going to cover that.

Don Skaar: I'll

Charlotte Cleveland: Okay

Eileen Ryce: Yeah my responsibility is just to get them transcribed, Don deals with the dissemination. So as long as that's working we'll continue to do that. I can't remember now what that's costing us it's not cheap to have someone doing it but we're happy to

Don Skaar: It's worth it.

Eileen Ryce: It's worth it. I know someone had asked for the cost and I can't remember now what it was.

Don Skaar: Six hundred bucks a time.

Eileen Ryce: Six hundred dollars a meeting so we have a person at a temp service who literally listens to the recording and types it up. I'm glad that's helpful. If there's anything else again that I can help with I'd be happy to visit with any of you. Thank you.

Don Skaar: Yeah, good morning those of you not on the Committee don't know me I'm Don Skaar, Habitat Access Bureau Chief so the water rec programs in my bureau. I'm on the Committee as well but we're all kind of pitching in to try to make this thing work here, so just a few house keeping things I know there's been a lot of interest in the transcripts from this and so we finally got a web site going so and right now it's pretty primitive. One of the things they have on there is the transcripts of the last two meetings. The last meetings those transcripts just went up there yesterday. So if you go into the FWP home page and scroll down to the bottom under trending news you'll see a link for the Madison River Committee and you can click on that and it takes you to the Negotiated Rule Making Committee page. The other way you can do it is on our home page there's tabs across the top and there's a recreation tab you can click on that and you can find it that way too. So right now it's pretty primitive. It's just got that information so that's available for everyone. We also put a comment box and one of the reasons we did that is this comment period can be pretty restrictive in terms of people having time to say everything they want so we just put that up there. That's available for anyone to just send

comments. They'd be available for the Committee to look at so that's up there. And I guess a question for the Committee right now, every one's names are up there, maybe you can tell me later or separately I don't think it matters but right now all it has is our names. It doesn't have our contact information, think about whether you want that there for people can get ahold of you individually we can do that, something to think about. So anyway that's about it. We'll put agendas up there in the future and any work products that come out of this so, we've just been a little bit late getting that going but it's finally up and running. For the Committee those of you that need reimbursements I didn't get you the form last time sorry about that I'll get you that for the end of the meeting for last meeting and this one too so I'll have that so you can get reimbursed for your miles and hotel and I guess the last thing for the Committee we got a table upstairs for us for lunches and so we'll just have the Committee order off the menu so I'll just pass this around and sometime in the next couple of hours pick what you want and we'll have that available for lunch.

Unidentified Speaker: If somebody drove a dark gray Chevy Silverado it's blocking the road to our motel rooms if you probably parked parallel on this left hand side over there so we just need access to that road. Thank you.

Don Skaar: So that's all I had. I'll go back to being a Committee member now and turn it over to Mike.

Mike Mitchell: Change hats. The Committee got any questions for FWP before we get rolling?

Julie Eaton: I have some general what I consider housekeeping statements and questions before we go into our revisiting problem statement.

Mike Mitchell: Okay knock yourself out.

Julie Eaton: Okay. The last two meetings I was a little uneasy about our process and part of that, a lot of that was me trying to process how much had come at us from various forms and so I did go to the transcripts and I kind of revisited what was presented how to go about this and what we were, opportunity we were given to go through this process and Eileen one of the things that she mentioned is that this is the Committee's work, what we're doing. This, we have full charge of actually even what our Charter is and where we start and all those kinds of things so I just wanted to remind us, myself, and everyone else that we've kind of gone down the path but we also have or had opportunity to define our own direction as opposed to just what was suggested which might be fine but I don't believe we discussed, yeah we'll go with what's been presented for our Charter and we'll start with the April plan. We were offered to not do that, do that, whatever we wanted. But I don't believe we discussed it. Another thing that was mentioned is I feel a little time compressed, I mean boy, two eight hours days in a row, it's been hard to, I think be on top of the info and to get to really accurate problem statements when we haven't really discussed a lot of the information that's been thrown at us. And one of the things that was

reported by Eileen, the Commission commented when they unanimously voted down the April plan that we want this done correctly not quickly and I feel hastened. So here are the things that I feel that we could maybe take some time and redefine. Number one the lawyer on day one defined consensus and then we waited at the last meeting to get that definition once again. I don't think, I'm uneasy with where we're at. What we initially discussed about consensus and that the way we applied it when we needed that process to vote the last time and we can go over that. The other thing that was given to us day one the lawyer said it's really important after we figure out who our facilitator is the next job that she mentioned we should have is come up with ground rules. I handed out a sample of ground rules from the Governor's Upper Yellowstone Task Force. It just gave an idea of how a group of people decided what's the way that we proceed and lets have some rules and two things have happened in my estimation that I sort of take issue with and I think that's a result of not having a clear set of ground rules and going over all the possible things. As I mentioned the way we voted was not how we initially defined consensus. To me the way we initially defined, there's no consensus if we don't present our rational for a no vote or we can't live with it because and we didn't do that. If we use the process of voting that we did at our last meeting then all that says is one no vote tanks everything that we've been working towards. It doesn't provide context into what we're all thinking and where we're at and has some dialog. So that was the first thing, the second thing media communications, that was something that was addressed by the Upper Yellowstone and we never spoke about it ourselves and so what's happened is in my estimation it's speaking about your own view that's up to you but when you read in the paper of someone that is speaking about your fellow Committee members and what they may think and what you think they think I think that's wrong and detrimental to negotiated rule making and the ability to work towards consensus if we're putting out statements about each other. I don't see how that moves us forward and finally we just have such great opportunity right now with all our different aspects and our areas of knowledge and what we've been given we just haven't had the time to work as a Committee to go through a lot of that data that we've received. I think that we need to provide mutual understanding, respect and good faith behavior inside and outside of our meetings and define what that means. So three things, I think we need to flesh out our ground rules, number two define consensus again, what you can live with if you say no offer constructive alternatives, is that what we originally said or is that not what we're doing, and then opportunity for time to go over the data and ideas of everyone else. That's what it says in the definition of how this is supposed to work is that we need to represent our understanding to each other and then work together to make sure we know where we're coming from and what we're working towards. We have to have time as a group to go through those things. And that's it.

Mike Mitchell: Thank you Julie. Other thoughts about what Julie talked about?

Scott Vollmer: I agree 100% with what Julies' saying. I think we need to pump the breaks a little bit and I know Mike you really want to get this down to following a schedule and I'm with you 100% on that but I think we need to pump the breaks with some things and we need

to sit and talk and figure out what some of the issues that Julie brought up are. One of them being consensus, the other one is as you said at the beginning is, is there has to be a level of mutual respect amongst us and with that mutual respect there's also a level of decorum and professionalism that needs to be provided in this and in the public forum. And one important thing for me is, is that includes not talking about other Committee Members to the press, to the media. I personally think that it's deplorable that other Committee Members will assume that they believe that I don't care about the river. That to me is attack of character and a lot of other people feel the same way so what we need to do is, is approach that, establish things right here and now for how we move going forward because that type of stuff can't happen anymore. We can't have that thing happen anymore and I think everyone would agree with that. The other thing is that Julie talked is, is about how we interact with each other in here and I know you also said that a big part of structured decision making is there's not a lot of advocacy with this. Personally I want to hear what all you have to say, I want to hear what everybody's opinions are and I want you to advocate for what you believe in and what your constituency believes in and because I think that will really help us figure out together and educate each other how the Madison River works and what can work best for the Madison River going forward. So I agree with everything Julie says.

Mike Mitchell:           Okay, thanks Scott. Mike?

Michael Bias:           With regard to our communication one thing maybe that others don't know is that within the Committee there's a lot of e-mailing and communication electronically in between meetings. But one thing that happened at the Commission meeting, the December Commission meeting when we were all named was they're concern about having public input and whether it would be several public comment periods through the meeting, how is it going to be a working meeting and allow public comment and there were some communication with regard to the public through these series of meetings that concern me. One is I'm going to kind of decide where the more public comment we have the better we're going to be down the road. In other words we can't wait for this to go to Commission and then have the Commission send it out for public comment, I think by then it's too late. If we can incorporate public comment through the meetings to sort of head off the issues that maybe the Commission will have later on down the road that's what our job is I think. The idea to not have public comment at these meetings I think is not right. I think having only 30 minutes of public comment is stifling and unfair to the public that elected, and this is, that's why we moved the meeting to Ennis to get engaged with what I think is a Community that is almost left out of the process so it's important for us to do that in my opinion and if we can increase the public comment period in the meetings I think that would be a benefit.

Mike Mitchell:           Thanks Mike, other folks?

Jim Slattery: I kind of agree about the public comment but maybe perhaps we should get some written public comments that we can disseminate instead of being pounded her until 8 o'clock at night or something like that so I think maybe a little bit of (unintelligible)

Michael Bias: We're going to read it, I think it's

Jim Slattery: I'll read it.

Michael Bias: I'll read it but it's important for these guys

Jim Slattery: I think everybody here will read it. I don't know why we wouldn't. That's how I feel.

Scott Vollmer: I hope so.

Don Skaar: And that is why, I've heard this that's why we put that comment box on the web page.

Michael Bias: Yeah that's good

Don Skaar: Doesn't have to be just at this meeting where we hear from people. I mean it is important to realize though the official public comment period, I mean we're a creation of the Commission,

Michael Bias: Right

Don Skaar: it's them that officially decides when we take, what will be part of the public record.

Jim Slattery: You know when I did my alternatives I looked at all the survey stuff and I weighed all that in the decisions that I made for these alternatives so that's public comment so the more public comment the better.

Michael Bias: Right, I agree.

Mike Mitchell: Thanks Jim, Mark

Travis Horton: One of the problems I had with public comment was that we've heard a lot of comments about, from people that thought they knew what we were going to decide over the past two meetings rather than commenting on what we were talking about at the meeting and to me that's a problem. Comments addressed what we were talking about at that meeting that would be a lot easier to control I think.

Jim Slattery: Yeah

Julie Eaton: Mark I'd like address that really quick, I believe those comments come from the April document.

Travis Horton: Yep

Julie Eaton: And our Charter that we didn't really discuss fully was to start with that so I think that's where that comes from and I completely understand that assumption. It makes sense they would talk about it.

Travis Horton: I plan on proposing something totally different so

Julie Eaton: Yeah but

Mike Mitchell: I bet nobody else (unintelligible). Other folks?

Melissa Glaser: I'll just say I'm okay past 5 o'clock for public comment. I'll go later, If you think it's important. (unintelligible) **(Melissa's voice is too quiet for the recorders to pick up.)**

Don Skaar: I guess I heard maybe some Committee Members can't stay past 5 and that maybe a problem in the future to but it'll still be recorded. It'll still be part of the transcript.

Mike Mitchell: It's really up to you guys what you want to do. Yeah.

Michael Bias: Along with what Julie said and this was only conducted among us by e-mail is the voting thing and I know Mike you had said oh through this process there's probably not going to be opportunity for much voting but after we did that vote I got like hey wait a minute double secret voting probation thing what's going on here. And oh nope he didn't make, I'm like oh well that concerned me and I thought wow did we just set precedent going forward to that's how we're going to do it and I, hopefully not, hopefully we can change that I think that allow discourse and comment among the Committee and what, negotiate.

Travis Horton: Comment on that

Mike Mitchell: Yeah Mark.

Travis Horton: I've done a lot of these and when you have a personnel issue

Michael Bias: Ah

Travis Horton: you clear the room and then you discuss it among yourselves.

Julie Eaton: That's reasonable.



Charlotte Cleveland: Yes, in my municipal experience that's exactly what happens, you go into executive session, you make a decision, the executive decisions announced, it goes in the minutes. When you deal in personnel it's done in executive session.

Michael Bias: Well that's fine, we can talk about that

## **COMMITTEE TALKING AT ONCE**

Mike Mitchell: Is that something that's permissible in under FWP rules?

Eileen Ryce: I can address that. I actually visited with legal on this yesterday, it's my understanding from legal that I was just texting Becky she's not available yet but it's my understanding from legal that our meetings are public, they have to be public the Committee membership is not considered a personnel action if it was, if we were talking about FWP staff then yes we could clear the room when we're talking about Committee Members that's not considered a personnel action for a public meeting like this so I don't have the option of asking people to leave the room for that discussion.

Travis Horton: Everything I've dealt with it would be a closed session, even discussing addition of committee members or replacing committee members.

Eileen Ryce: Yeah and I'm going off the advice I got from legal counsel yesterday so I'm not sure what your circumstance was Mark but based on our specific circumstance committee membership would not be considered one of those issues that we could close the meeting down. My understanding is that unless we're talking about specific FWP staff personnel actions our meetings have to be open to the public and this is considered a Department meeting so I can certainly try to get Becky on the phone for clarification but that was my understanding yesterday.

Mike Mitchell: Thank you Eileen.

Don Skaar: We are trying to get Becky.

Mike Mitchell: Okay, yeah we're working on the Becky thing.

Don Skaar: Yeah

Travis Horton: To me that goes against what people said that we can't talk about other people to the press, just said we can, that's what I heard. We can talk about Committee Members to the press, we can do anything as long as it's public.

Eileen Ryce: Well that's not exactly what I said Mark. What I said was the meeting has to be public. You're behavior outside of this room is more of a civil discourse or behavioral issue, that's, if the Committee wants to make rules on that, that's outside of what I'm talking about. What I'm talking about is this room, this meeting has to be open to the public unless

we're talking about something that is allowable to close to the public from our rules and unless we're talking about a specific personnel action for FWP it has to be open.

Julie Eaton: So my question to the rest of the Committee can we flush out our ground rules other than I think you mentioned or maybe it was Mike I can't remember, I think it was Mike, the mutual respect open minded.

Don Skaar: You mean communication outside of

Julie Eaton: Oh no just every, the way we vote, I mean that's why I handed out this just as a kind of a glimmer of what we could we do for rules. I'm not saying we have to do that but their very first sentence says, we discovered early on that we needed to establish rules about how the conduct, to conduct business in order to function (unintelligible) and efficiently. Like I said we've already had two things that the vote and talking about members to the press that I think could have been foreshadowed and dealt with if we'd been proactive about really saying this is how we behave, this is what we're going to do, these are our standards.

Mike Mitchell: Julie could I ask you to say a specific rule you're proposing and let's talk about it one at a time.

Julie Eaton: Okay well actually let's go to the hand out that we got I believe the first day and that would be appendix C decision making processes and policies, The Governors Upper Yellowstone River Task Force, again just a sample but in the fact that we have not gone through this process as a Committee, this is why I'm asking

Mike Mitchell: Could you

Julie Eaton: Okay do you want me to read

Mike Mitchell: Start with rule number 1 you want to talk about.

Julie Eaton: Okay

Michael Bias: Does everybody have that?

Charlotte Cleveland: No I don't

Julie Eaton: I have an extra.

## **COMMITTEE TALKING AT ONCE**

Melissa Glaser: Julie are you proposing we go through this a make changes after we read it?

Julie Eaton: I'm proposing we go through this and take what we want so that we can, because it also mentioned as they went through their meetings they often had to go back and say,

now remember we agreed on this because we are very dispirit in our ways that we are looking at the Madison and this recreation plan so I propose, I mean if you have another way of going through

Mike Mitchell: How many have we got?

Julie Eaton: Well the first part is how we encourage a variety of perspectives and what that means to encourage a variety of perspectives then we have decisions

Mike Mitchell: I'm sorry Julie how many of these are we going to go through

Julie Eaton: Okay, well

Michael Bias: It's four pages

Julie Eaton: Yeah, there's one, two, three, four, yeah it's just these four.

Mike Mitchell: All right so I'll throw it open to the Committee that's going to be time consuming. Is this what you want to do with your time or do you want to continue on with the process? I agree that there might be some rules that we should have a common understanding of before we proceed today but for a bigger picture does the Committee want to spend time on all of the ground rules?

Scott Vollmer: I do. I keep coming back and I wish I had the exact quote and I won't belabor it too much but I keep coming back and one of the first things I read was this Montana Law Review on negotiated rule making and one of the lines in there was a quote that said that if rules aren't established beforehand, preferably with a convener that establishes these beforehand at the end of the process many participants have felt duped and used in the process and I don't want that to happen to us. I think we, like I said pump the breaks, establish these things so that going forward we have a consistency that we can all live with.

Mike Mitchell: Other Committee Members?

Melissa Glaser: I think just quickly looking through this there's a lot of things that will be that wouldn't take too long.

Mike Mitchell: Okay, everybody is this what you want to do?

Michael Bias: I think we have to. It would be nice if we can get through April without getting bad mouthed in the paper.

Don Skaar: I don't mind going through this, I guess I'm just a little not sure exactly how we're going to do it or what exactly is being requested here is that this be our model and we decide whether we want to adopt this straight out or

Julie Eaton: Well as I mentioned this is a model, I think it's very important we spell out our procedures, our rules, our context that we behave within. This is one Committee's idea of how to do that. We can do whatever we want, I'm just saying this is one. It was suggested by the lawyer day one that we go through specifically and do this and we've been busy. There's been a ton of stuff thrown at us, we never did that as a Committee.

Mike Mitchell: So as you guys have seen what I prefer to do is not have abstract discussions. Let's talk about concrete things. I would propose going through the rules that this committee established and ask whether you want to adopt them or modify them and when we get to the end, or get rid of the, and when we get to the end if people feel like well somethings missing then we can talk about adding them onto the end. Does that make sense?

Lauren Wittorp: Question, you've done this a ton, the structured decision making, does something like this work for that or do you have recommendations of what you've used in the past with other negotiated rule making or structured decision making committees?

Mike Mitchell: I've never done this.

Lauren Wittorp: Okay so you haven't okay

Mike Mitchell: No not with any working group I've been a part of so the ground rules that I establish at the beginning are usually sufficient. Voting rarely happens in this process. You might get to the end and say okay who can support this outcome, who can't and that's about it. The last time we voted with the person sitting in the room and so that seemed like a good time not to talk about that person in the room pros and cons and things like that. I'm open to whatever you guys want to do when it comes to voting. I would just say you probably don't want spinning wheels on that too much because this is a completely open and transparent process, when we get to the end you'll have a chance to say what you think, to say I can buy it, I don't buy it. Other rules I'm not familiar with what that Committee has so I'm certainly open to whatever they had to say, the short answer to your question is never had to do that before.

Lauren Wittorp: Okay

Don Skaar: I would make a suggestion could we just, is there any way we could move forward with the rest of this stuff today and have everyone take a look at this tonight, maybe have Becky available once she's looked at this as well.

Julie Eaton: She's the one that suggested, that was our second thing that we should do after agreeing on a facilitator, she said that we should come up with our procedure of ground rules so she'd be great to go over.

Don Skaar: I mean for me I haven't looked at this so I'm not sure I'd be that effective just sitting here doing it on the fly.

Julie Eaton: Which goes to my other comment all that other information that we've got how are we, if we go through this process without really knowing where every ones at then we get to an end where we are like oh wait a minute, that's not our problem at all. I don't know how we get a problem statement without as a Committee going through all of our information and discuss it.

Charlotte Cleveland: Can we do what Don said because I haven't

Julie Eaton: For this yes

Charlotte Cleveland: Yeah, I'm confused

Julie Eaton: No that's something different so anyway okay and define consensus you're all okay with

Mike Mitchell: Well let's go, is everybody okay with

Julie Eaton: ground rules

Mike Mitchell: tabling ground rules until tomorrow morning so you have tonight to look at them, is everybody okay with that?

Tim Aldrich: I would just like to make a condition to against specific comments they have. There's a lot of terminology in there, I mean Chair is used in there repeatedly we have no chair. So I mean there's things that just flat don't fit. I think if you think

Julie Eaton: Sure there's no (unintelligible)

Tim Aldrich: there's some things that would really be important to this group to make sure as you

Julie Eaton: Oh that's easy

Tim Aldrich: move forward. I don't want four pages of ground rules and I don't want to have to go through four pages of ground rules either. I think we can talk pretty generally about how we're going to deal with the media for instance. Part of dealing with the media is (unintelligible) and that is what in the hell are we here? And that is to as a group come together and find solutions

Julie Eaton: Exactly, yep

Tim Aldrich: And that means we don't pick on each other, if we're going to pick on each other let's do it right here.

Michael Bias: Yeah but Tim we presume that, we assume that going in and then low and behold we've been chewed up in the paper.

Tim Aldrich: Mike let's go forward I think we have an example we're all quite aware of and we need to get past that one but it certainly needs to be part of the ground rules we say we're not going to go out of this room and start talking about our group or an individual or whatever because it just doesn't work. Part of the way you do that in my experience is when the media wants to talk to you, you stay just objective and try to stay away from anything that divides the group. If anything find ways to encourage the group to come together to come up with solutions to the fact, the wholeness of this issue.

Julie Eaton: Absolutely and that's what we should have heard from day one from each other.

Mike Mitchell: So if you were to put that rule into one sentence about conduct outside of the Committee

Julie Eaton: You said it

Mike Mitchell: what would that one sentence be?

Melissa Glaser: (unintelligible) speak to the media regarding their own view on the work of the Negotiated Rule Making Committee (unintelligible) participants expressed to the media or in other forms.

Mike Mitchell: That was two sentences Melissa. Okay so that's, does everybody want to agree to that particular rule right now going forward.

#### COMMITTEE AGREED

Mike Mitchell: Okay do I see unanimous consent?

Jim Slattery: I can live with it.

Mike Mitchell: What's that?

Jim Slattery: I can live with it

Mike Mitchell: Okay anything else, housekeeping wise? Julie was there more you wanted the committee to consider?

Julie Eaton: Maybe we can table this until tomorrow as well the definition of consensus as we originally talked about it as opposed to the process that we used in the voting of additional committee member.

Don Skaar: And that would be under the decisions part?

Jim Slattery: Yeah I thought that was just for that vote and we go back to the way we had been doing it, openly, can I live with it, I can't live with it.

Julie Eaton: And when we asked the lawyer she said you should probably use consensus now as you're going to use it throughout but you don't have to so we need to define yes,

Scott Vollmer: I thought we did define that with Becky

### **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: remember while we were discussing all that, that vote, but we decided with that vote that we'd do it that way

Mike Mitchell: Yeah, consensus was complete agreement,

Don Skaar: Yeah

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Is there something that

Jim Slattery: If you want more clarity on that we should have it

Julie Eaton: Yes there is I'll just send that out to everyone because I have all what we spoke about on day one. Consensus is not the same, actually no what Becky told us, I'll get that to you from the transcripts and then the last one was the opportunity for us to interact over things that we've heard the public say or information that we've got because I've learned stuff from other people, I think as a Committee we have to be working on this information so that was just my other thing.

Tim Aldrich: For me that's if we can help each other to bring that input from our friends, our public, our constituents, to measure that at the time we're dealing with things that relates to it. If we come with a lot of generalizations right now are not going to help you as much as when we get into talking about this kind of alternative or whatever

### **JULIE AND TIM TALKING AT SAME TIME**

Julie Eaton: That is a little, yeah I understand what you're say yeah, but the idea was to make the best problem statement so that we don't get down the road and go, oh now I've learned all this that problem statement is not as accurate now that I've worked with each of you and learned more.

Mike Mitchell: So I'll interject there from a facilitation point of view, remember the arrows going backwards?

Julie Eaton: Yep

Mike Mitchell: Okay and that happens commonly, you're going through the process and you learn more about your problem that you probably didn't consider at first you go back and change it and then you work your way through again. So that's okay, that's part of the process.

Julie Eaton: But not part of us working together to know oh yeah we need to go back, we're just individually on our own saying what about this and going back for us to discuss.

Mike Mitchell: Well that's what we're going to do next. So you need to trust me on this process and I understand that's difficult because it's different from pretty much anything anybody's seen so what we're doing is we're taking a debate that has been going on for a long time and I assume we're here because that discussion has not resulted in what is needed. So this is a different process from what you're used to seeing and so that the structure in structured decision making is just that. We are taking those discussions and we're imposing structure on them and saying time and a place for everything. Going back to this idea of what we do is we deal with things in concrete and not the abstract. We put words on the screen and then we talk about those words and that is a really effective means of making sure conversation is efficient and effective and it also minimizes misunderstanding and argument. It's the benefit of talking about things in the concrete. That's what is going to happen when we get to the alternatives. Somebody says this is the alternative I'd like people to consider, here's why and then other people can ask questions, well help me understand why. And that is the opportunity for everybody to discuss and learn from each other. But it's a time and a place kind of thing. Abstract discussions don't come before we have the concrete things to talk about. Now that's the process and if you guys don't want to do that process I'm perfectly fine with that. I'm not here to tell you it's the right thing for you to be doing but this is what I do, I haven't facilitated other forms of meetings so I'd be in here trying to figure out along with you what do we do now. So it's up to you if you want to do the process then I'll ask you to trust me and to trust the process. If you don't want to do the process then please fire the facilitator. Send me home, I won't complain I promise. But it's up to you. Do you guys want to stick with the process or do you want to do something else and I'm fully supportive of either one. Mark?

Travis Horton: This is something we do in exploration geophysics all the time. Not generally this, as structured although at times we do get this structured and it works. In a large corporation which I've been a part of for quite a few years at a time this is the way it happened otherwise we'd have chaos.

Mike Mitchell: Okay, thanks Mark. Other thoughts?

Tim Aldrich: I just want to say in my experience having been through this for a really hot topic mountain lion quotas we circled back a number of times and it was good that we did. We all learned from each other as we did this, we took the pressure approach I guess to the problem statements and the objective and the whole process. The feedback group is there and it's up to us to be a part of that. If you see something you didn't understand or we didn't do, we



didn't get this, we didn't touch on this, get it on the table and see where it fits we'll do it as a group and figure it out then. (unintelligible) we have to do whatever. I think we need to trust Mike and trust his process a little bit but I think we're going to get there. I think if something doesn't get said then it's your fault, not Mike's fault or anybody else's fault.

Mike Mitchell: Yeah so there's, there are different ways we can approach this process. All of them have value, sometimes none of them will work and that's because I don't know if you remember back to the graph that Justin Goody showed you about where structured decision making fits in compared to joint fact finding and conflict resolution? If you're over in that part of the graph where you can't agree on the information that's available at all or people are just so mad at each other they can't talk this won't work. And that might be something the Committee figures out that we are not in this realm. Okay now you can't know until you try. There are a couple ways that I know of that you can try and I've done them both, one way is called rapid prototyping and that's basically what we're going to do so I was told we've got four days to get through this process maybe six and I really respect that. We're asking a lot of your time and so that's not uncommon. We've blown through problems that are arguably as serious as this in four days' worth of effort. Now where are you at the end of that? You are not necessarily at the end of the process of making a recommendation to the Commission. There can be more discussion, more deliberation on it but what we've achieved through this process at the end of four days, five days, six days whatever is a common understanding that didn't exist beforehand. A common understanding of what the problem is we're trying to solve and a common understanding of ways we might go about solving it. In some ways it can begin a discussion but it's a discussion starting from a completely different place. Don't be worried when we get to the end of the discussion process that that's what you're stuck with. You as a Committee can decide whatever you want to do so when we did the Bitterroot West Fork Committee process they called us back for one more meeting saying well we'd like to go back and revisit this and rethink this and that's totally fine. It's up to you guys. An alternative way to do this is not rapid prototyping it is a longer term slower more deliberative process. It's less about we need to learn about the problem and ways that we can fix it before we can really offer good decisions. This is a process designed to, we will get to the end of this with THE recommendation and that takes longer. When I worked with the group that was taking on the whole challenge of managing brucellosis in elk it took seven months, meeting once a month and that was a big time commitment from the group members and they were really good sports about it. I'll throw that out to the Committee, do you want to take the rapid prototyping point of view that gets as much understanding about the problem and possible solutions as quickly as possible knowing there will be further discussions or do you really want to take your time and spend a lot more meetings together to really fully deliberatively get through the process. Option three is fire the facilitator. It's really up to you guys. I'll do whatever you want but this is, what we're doing right now is the way that it has most commonly been used and we get to a good spot, knock on dry wall.

Michael Bias: How long did the mountain lion process take? How many meetings did you have for that?

Tim Aldrich: I think it was six meetings didn't we Mike?

Mike Mitchell: I'm sorry?

Tim Aldrich: I think about six meetings for the mountain lion meeting.

Mike Mitchell: Well this is my memory so take no stock in it, I recall four so we had two days of meetings and then we adjourned for two weeks and during that two weeks the science team was estimating some of the consequences for the Committee for their alternatives they came up with, then we got together for two more days and talked about, went through the alternatives, went through the decision analysis and decided what to do.

Michael Bias: And then how long was the West Fork process?

Mike Mitchell: I think met a total of six times where we finished the process in four and the Committee said well we have a couple more things we want to go back and look at and we got together for was it one day or two days Tim? Two okay.

Michael Bias: And were the make up to brucellosis you got livestock (unintelligible) would you say like brucellosis issue brought a broader base of constituents then maybe the West Fork and the lion thing where more focused knowledgeable of the situation going in? I think we're all here pretty knowledgeable of the purpose.

Mike Mitchell: It's not so much in my opinion because I'm learning about this problem. I wouldn't try to characterize and compare it to any other problem. The problem isn't so much who has the expertise and whether it's a narrow thing or a broad thing. The issue is what is the impediment to the decision and so if you have even in a small situation if you have people want that, that's happening on this scale, that's happening on that scale so that's what this process is designed to do so in all the processes I've done that's why we were there.

Don Skaar: That kind of suggests that this process is fine as long as we've got general understanding of the facts at this point, I mean talking about going forward.

Mike Mitchell: Yeah, and in some ways you don't really understand what that general understanding is until your talking in the concrete and you don't have that situation where people are talking past each other. I'm not saying that's happened but that happens commonly. Again talking about things in the concrete is so much more constructive and effective than having philosophical or abstract discussion and then trying to develop something in the concrete.

Jim Slattery: So this method that we're using now I mean if we need to say put the brakes on at a certain point to a contentious spot or whatever we could address it, that problem

right? In other words we could just take the whole day and say this is a huge impediment we really need to delve into this right?

Mike Mitchell: Absolutely

Jim Slattery: And then we can start back on track.

Mike Mitchell: That's the way it works. I'm sure everybody has had a chance to go and think about the problem statement, fundamental objectives we came up with last time and maybe, that's a probably most of you feel like well we need to go back and rethink that because there's some things I thought of now that I didn't think of in the two days we were sitting here. Perfectly fine and we'll go back and can go back throughout the process to say okay we've learned about the problem we need to massage this, perfectly fine and it'll take as much time as it takes. My charge unless the Committee tells me otherwise we've got four days maybe six days together. My charge is to get you as far through this as I can unless you tell me otherwise and I serve at the will of the Committee.

Jim Slattery: I say we move forward. We'll know when we have a problem if we have a problem and then we'll address it at that time. This is something that I've done when I did trade shows, we had big gigantic trade shows, what was the problem, this is kind of how we solved them, we did. So I'm quite familiar with this.

Mike Mitchell: Yeah and other than I really enjoy inflicting pain on others and myself the reason that this appeals to me is this is a lot like the decision making process we used in the military. Which is very pragmatic and is designed to efficiently get at good decisions so this is an awful lot like that.

Jim Slattery: Time constraint is hanging over your head you've got to get it done.

Mike Mitchell: Yep, that's incentive.

Tim Aldrich: I think we have a very well selected group to work together to come with some good recommendations that the larger public will get an opportunity to look at. That's where we're headed is to make a good recommendation that considers the issues that we all put on the table and say here's how we can work through that, that it's going to come out with some sort of problem statement from this group and goes to the Commission and the on to the public for their comments and we don't want to leave big gaps in it. I think we need to squeeze it down so we don't have, we do a lot of thinking as we go, thinking and communicating about the issues and really need to be representative (unintelligible) and that's we don't want a maze out there we want to define the problems and come up with alternative recommendations and so forth and say we think this moves this and the public can use this to provide their impute on the larger (unintelligible) we come to that rule. I think we're started, I think we just need to get a new grip right now and move ahead and pay attention to one another, be constructive, be helpful.

Don Skaar: I maybe my viewpoints a little different but I think of what we've invested in this already. We haven't shown that this process isn't going to work. We still have the ability to go back and revisit any of these things, I think just see how it works we can always change it going forward if it isn't working or us but I don't think we've shown that it isn't yet.

Jim Slattery: We'll know when it's not.

Mike Mitchell: That's when you run me out of town on a rail.

Jim Slattery: We just have to slow it down a bit.

Mike Mitchell: It really is up to the group. This is your process. I'm just here to facilitate it and if you want to take more time I'm totally cool with that. If you don't want to take more time but you want to get to a point where you're having a different discussion after six days of effort I'm fine with that too. Yep.

Michael Bias: Mike you mentioned time, I think that's important. For one going into this process we understood that we have to have something to the Commission by the April meeting and it's going to affect rules on the Madison for 2020 and then talking with Don later on I said well man you know we got to get this thing done by April ahhhhhhh what happens if we get to the end of March and we need a couple of meetings and what happens?

Mike Mitchell: What happens?

Michael Bias: Yeah

Don Skaar: I guess everyone deserves an explanation of that. I mean when we set this up with the idea of having something by April it wasn't, it really wasn't that we were trying to jam it through it's just if we were going to have anything by 2020 that's when we need to come up with a decision. If we need more time that's the most, we need to do this right rather than do it quickly but I just didn't want us to be done May 1<sup>st</sup> and then we'd know we're waiting until 2021 to do anything.

Michael Bias: Right

Don Skaar: So I mean everyone just needs to be aware of that.

Michael Bias: But my understanding was oh if we don't get something by April then it goes back to Fish, Wildlife, and Parks, they write a plan and it gets jammed through. That is not the case.

Don Skaar: Right

Michael Bias: That was important for me ah whew.

Jim Slattery: Is there any flexibility with the Commission? I mean if we get something done by mid-April or something? I'm just throwing that out, is there any flexibility there?

Tim Aldrich: I think there is flexibility, flexibility to build on, to do it right. Do it quick, I think I made that statement at (unintelligible)

Mike Mitchell: Can we write that on the board? Do it right.

Tim Aldrich: I think we're assembled. I think we've got a start. I think yeah we've had some bumps in the road but I think we can smooth those out and I think we know where we're headed with our problem statement which we'll probably talk about some more a little bit but let's get after it. Get our heads down and our spirits up and go for it.

Mike Mitchell: Go team. What do you guys want to do?

### **COMMITTEE TALKING AT ONCE**

Mike Mitchell: Scott you okay with that? You made a good argument for pumping the brakes.

Scott Vollmer: Well Jim I think put it really really well and cleared things up is if we have the ability to stop when we do hit an impediment and circle back around and go back then we should go forward.

Mike Mitchell: Okay I promise. Trust me.

Scott Vollmer: I trust you.

Mike Mitchell: Okay, you're one of the few people in this world that do but I appreciate it.

Michael Bias: I don't

Mike Mitchell: See I knew that.

Scott Vollmer: My opinions do change over time. Just kidding.

Mike Mitchell: You reserve the right to change your mind. Okay do we have an agreement to go forward? Yes, yes, yes, everybody? Okay. Ready to dive back into the breach? I'm not wearing my watch and there's not a clock.

Scott Vollmer: 10:10

Michael Bias: Time for a break

Mike Mitchell: And on the agenda it's 10:15 right?

Charlotte Cleveland: 10:30

Mike Mitchell: 10:30? Do you want to take your break now and come back and get to work or do you want to get to work take a break get back to work?

Tim Aldrich: Take the break don't break up when we get going.

Mike Mitchell: What's that?

Tim Aldrich: Let's take the break now (unintelligible).

Mike Mitchell: Okay 15 minutes please.

### **COMMITTEE ON BREAK**

Mike Mitchell: Okay, Eileen?

Eileen Ryce: The most important thing for Committee members have you gotten your lunch order in before I run it up? I want to make sure we got everybody. Don't want anyone to go hungry and get hangry in the afternoon. Another quick thing just to mention more for the audience than anything, I was getting some notes and questions about the transcript from the 2-20 meeting there was questions as to why the transcript was cut off. I wasn't at that meeting my understanding was the recorder stopped working. I'm not sure if Don or the Committee wants to just briefly summarize what happened after that so we get it on this record so it's part of the record. I think what happened was either the memory card filled up or the batteries ran out and I apologize for that but we've got to avoid that this time we've got two recorders we've got them set up centrally so as we get everybody, we've got bigger memory cards we've got extra batteries so it shouldn't be a problem this time so like I said I wasn't here at that last meeting so I'm not sure what was missed after it cut off. Don do you?

Don Skaar: Well I think the significant thing was just the vote

Michael Bias: Oh all the important stuff.

Don Skaar: Yeah

Eileen Ryce: Yeah so I don't know if you want to just to get it on the record this time and then

Michael Bias: Vote again?

Eileen Ryce: No

Mike Mitchell: Yeah I don't know at what point it stopped recording so

Eileen Ryce: It sounded like it was right at the vote or right before the vote? Right before the vote.

Don Skaar: Yeah can you characterize that?

Mike Mitchell: Oh you pointing at me? I was going to let Don can you talk about. Yeah so the Committee voted on whether to add John shoot Way?

### **COMMITTEE TALKING AT ONCE**

Mike Mitchell: Say that again?

### **COMMITTEE TALKING AT ONCE**

Don Skaar: Way

Mike Mitchell: To the Committee. It needed to be a consensus vote. We got a secret ballot at the end of the vote there was not consensus in the group and so John was not able to join the Committee. Is there anything I'm forgetting? Tim?

Tim Aldrich: I think there was double talk the person in the topic, the topic was do we need more representation from the community

Julie Eaton: Business

Tim Aldrich: business community and is John the right person for that and so we did it in one vote as I recall.

Mike Mitchell: Anything else on that I'm forgetting, missing? Did we do anything after that?

Michael Bias: Yeah

Jim Slattery: We were working on the

Mike Mitchell: Is that when we drank beer? I forget. No what happened after that

### **COMMITTEE TALKING AT ONCE**

Mike Mitchell: What meeting was that three or

Don Skaar: Second

### **COMMITTEE TALKING AT ONCE TRYING TO FIGURE OUT WHAT NUMBER MEETING THE 2-20 MEETING WAS**

Don Skaar: I mean there were some information requests and I particularly Bitterroot rule I did provide that to the group. That was one of the things that came in after the recorder died.

Julie Eaton: The question about what they changed I didn't see that. Why they came back?

Don Skaar: That was the, I sent you two attachments

Julie Eaton: right

Don Skaar: and the second one was what was changed

Michael Bias: (unintelligible)

Julie Eaton: Okay so yeah.

Scott Vollmer: I have the, we did the vote, public comments, and then you went over presentation right before we adjourned about the fact that we were moving into alternatives in the next meeting.

Mike Mitchell: Okay, anybody want to elaborate on any of that? Okay. Shall we dive in? All right so everybody's had a chance to think about the problem statement, oh shoot I'm sorry, Chrissy Oshcell raise your hand, everybody say hi to Chrissy she's with FWP Region 2 but she suffered through the West Fork of the Bitterroot SDM that we did, Mark Deleray, supervisor for Region 3 is here, Brian I'm sorry I forgot your last name.

Brian Pickett: Brian Pickett, I'm the Game Warden over in Sheridan.

Mike Mitchell: Okay is there any other staff from FWP here that we need to recognize? Appreciate you coming here because, and I encourage the Committee in particular if you have questions about how the Bitterroot process went which is in some ways analogous to this one. Chrissy is definitely an expert on that so by all means I encourage you to ask her questions. Okay so anyway you had a couple weeks to stew on the problem statement, talk to other people about it, I'd say chances are really good it needs to be tweaked based on that thought process and so what I'd like to do is I'd like to go around the room and have everybody just sort of summarize real quickly the things that they feel like could be improved and then we'll dive into it. So I'm sorry not just improved, changed, deleted, whatever. Okay so Julie would you like to start?

Julie Eaton: Hold on, no.

Mike Mitchell: Okay, Mark would you like to start because I can't start in the middle it's (unintelligible). Just your thoughts on the problem statement, you don't need to go into gory detail but what are some things you think should be changed.



Travis Horton: One thing if you look to face book pages, one of the things people talked about were the health of the river, the fishery, and nobody understood what resource meant. You've got resource in our fundamental objectives.

Mike Mitchell: Okay

Travis Horton: I think we need to maybe define that a little better.

Mike Mitchell: Okay

Travis Horton: Number 2 early I mentioned the fact that there are really three types fishing the river, there non-residents, residents, and then part time residents and part time residents probably aren't represented here because they don't stay during the winter but in our zoning commission meetings we had one at the library early in the fall and two of the people that came were part time residents and they actually contributed quite a bit, gave us some insight on things.

Mike Mitchell: Okay

Travis Horton: Because they have seen other things than some of us have seen and I don't know how to include them. There's another problem and if you look at problems with legislation that's being proposed to restrict use of the river.

Mike Mitchell: Okay

Travis Horton: Now a lot of that money that pushes that legislation comes from outside Ennis or the Madison Valley probably from part time residents.

Mike Mitchell: Okay

Travis Horton: So it would be good to have their input before they just say you left me out I'm going to sue your ass off.

Mike Mitchell: Okay but some of the, what your saying is that part time residents are part of what makes this a difficult decision.

Travis Horton: Right

Mike Mitchell: And so that's one thing I should have prefaced this with what I'd really like is for everybody to listen to each other and consider how what other people are saying is part of the problem we need to capture here. You don't necessarily have to agree with it you just have to agree that yeah that's part of the reason this is a difficult decision to make. Scott what you got?

Scott Vollmer: I think after what Mark just said is, I see what you're saying, I still am not 100% there with our statement of dividing out all these different user groups because it could get

bigger and bigger and bigger and become a problem where it's just a problem that's a problem, where it's just to many of them. The one thing that we did not talk about, I don't think it's in here, is education and what I mean by education is whether we want to address in our problem statement the decreasing amount of knowledge on river etiquette. And what I mean by river etiquette is how you interact with different users of the river. So I think that's something that maybe we should talk about a little bit.

Mike Mitchell: Okay, so part of the problem is the etiquette with which different users of the river treat each other and that there's a lack of understanding about what is an appropriate way to do that?

Scott Vollmer: How we can educate better.

Mike Mitchell: Okay well how we can educate we'll get to later.

Scott Vollmer: Okay

Mike Mitchell: The problem right now is there's not a common understanding.

Scott Vollmer: Right

Mike Mitchell: Right of appropriate ways to behave with respect to other people on the river. Is that a fair way to put it?

Scott Vollmer: Very fair. Well done.

Mike Mitchell: You already had a shot Mark.

Travis Horton: I was just going

Scott Vollmer: Go ahead

Travis Horton: agree, I've heard that from several people.

Scott Vollmer: Yeah

Mike Mitchell: Okay good. Charlotte

Charlotte Cleveland: I've got nothing to add.

Mike Mitchell: Okay, (unintelligible)

Lauren Wittorp: I don't have anything to add.

Mike Mitchell: All right

Jim Slattery: Education I agree with that.

Mike Mitchell: All right, Tim?

Tim Aldrich: I'm not a good participant in group edits I got to admit that, it's hard for me to stay concentrated and contribute along the way but I did have a couple of thoughts that I, in the first part of our problem statement I thought maybe just perhaps say that the June 14, 2018 meeting of the Commission passed a motion and the motion was to use the Negotiated Rule Making Process of the Montana Code to revise a river recreation plan as presented to the Commission on April 11 or 19<sup>th</sup>. And I said that this provides the Charter for the Committee now drafting rules and so forth here. Another area I saw what the Bitterroot had done and we put a statement in there about the importance of the fishery and it was tough on that river and I did try to say something like the Madison River is an iconic fishing destination for trout anglers worldwide. The popularity of the fishery can be documented through FWP estimates on the angling pressure which indicates that Madison River is frequently one of the most heavily used fished rivers in Montana. Due to heavy use there have been many efforts to reduce angular conflicts and crowding in upper Madison River over the last 59 years. A draft environmental assessment not approved by the Commission FWP personnel from Region 3 wrote a recreation management plan and administrative rules are warranted to provide guidance for managing river recreation and FWP managed access sited on the Madison and to help preserve the quality of the recreation experience for all users. And then I got into some detail, surveys conducted in 2008, 9, 12, and 16 provided insight into how satisfied people were with their Madison experience. The results indicated several areas of concern including crowding recreationists on river at access points perceived overuse by permittees and increased amount of visitor impacts. But I think I just wanted to have a little bit more of the story of why are we here. I think the reason that we came forward for me at least was the purpose in these statements you know that came really right out of what Region 3 was trying to do. I think that to leave that out you know, we looked at this four different efforts in four different years that there's a message that comes out you know that we got to do something. Combine that with some of the rules they proposed they wanted to (unintelligible) and said we need to recognize that we've got to do something. The quality of this experience is going to be affected for all it's time to look (unintelligible). The rest of it I, maybe we can simplify as you say Scott on different groups we mentioned because I think it's we can summarize that in a way that we don't have to have all the names necessarily in there. Anyway I just finished it with the statement the Montana Fish, Wildlife Commission has the authority to regulate recreational use on the Montana waters and let's pay all due attention to the interests of the users and to the resources associated with river use. I probably wrote more than people want to look at but

## **COMMITTEE TALKING AT ONCE AGREEING THEY WANTED TO LOOK AT IT**

Charlotte Cleveland: Is that something you could e-mail to us?

Tim Aldrich: I can give it to this young lady with the computer over here and she can do it. I will I've got it in my room I guess I could do that. She shames me the way she uses that thing.

## COMMITTEE TALKING AT ONCE

Julie Eaton: I would like to get to it tonight.

Mike Mitchell: Melissa

Melissa Glaser: So Tim actually just brought up exactly what I was thinking as I was reading this problem statement or people would ask well what is the problem and I'm like we have concerns of this, concerns of this, and having those words come out of my mouth and we didn't really actually say the problem so I think Tim said it out pretty well there and then the other was education as well. I did write some alternatives that were directly related to education when we don't really address that in the problem statement.

Mike Mitchell: Okay

Melissa Glaser: So that's it.

Mike Mitchell: Great thank you Mike? What you got?

Michael Bias: I agree with the education comments, how we deal with them is going to be a challenge as far as the groups I'm still concerned that this groups ad nauseam who we're really missing is the fly only guys and nymph guys and bobber guys and you know you kind of snicker at that but holy mackerel, I mean really, we kind of defining groups, and my worry is you know my worry, my worry is we build this matrix and everybody's happy, happy, happy, oh the only one regulated in all of these groups is the commercial users. And so when we come down to a management plan it's all, we pay lip service to the other groups and then oh what are we going to do with the commercials users because we're the only ones with any kind of numbers regulatory paying more than other users. So having all these other groups in there is, I understand the reason but I'm still concerned that when we get to the recommendation regulation part I'm worried.

Mike Mitchell: Trust the process Mike.

Michael Bias: And so I had one other thing this goes back to Charlotte's concern when we were formulating this are you okay with the Public Trust Doctrine?

Charlotte Cleveland: I forgot the one thing I was going to suggest and that was that it changes to which it includes care and management of the fish and wildlife resources for the benefit of all.

Michael Bias: Benefit of all, right well yeah, okay, that's it. That's all I have.

Mike Mitchell:           Okay, thanks Don?

Don Skaar:               Yeah well kind of what Tim said but maybe can elaborate a little bit more from my perspective or staff perspective. The inclusion of recognition of our surveys talking about how in a lot of ways why we're here is because of what we keep hearing about concerns with satisfaction, satisfaction of the experience, satisfaction, dissatisfaction with crowding and so I think Tim's changes address the crowding issue a little bit here. What we have now really only talks about concern for crowding in the future and I think our information suggests we've got a crowding issue now. That's our role as stewards of the resource is to be listening to that to be addressing that, that's our responsibility and I'm not really trying claim I've got higher perks than anyone else here I think we all feel like we're stewards of the resource but I think that's real. The crowding and the dissatisfaction is real and I think that's something we need to make more of an emphasis on the problem statement here and I think Tim's changes really went to that so that would be satisfactory if we could include that.

Mike Mitchell:           Okay, talk to us Julie.

Julie Eaton:            I'm still, and I mentioned this last meeting all our groups because one of the sentences you asked us was well who's going to complain about this or who, what other voices are there? My concern with having all these different groups and admittedly as Mark mentioned there are many others that we could come up with so I don't want this to seem like this is our exhaustive list and here's the problem that I have with having a detailed exhaustive list. Some of these groups can be applied, rules can be applied to them, some of the groups may need information, others education or a combination of those three. So to put them all on equal footing are we going to apply rules to them are, are we going to apply just information dissemination to them or education. I'm just a little concerned about all the groups. I'd like to, like you say, can we consolidate it a little bit. And then like others have said I've been on the river years and years ago where it's been super crowded and I haven't felt that and at that time I felt on a certain day we had, we had a way to interact and so how we get that information out to people that are on the river now, how to interact the respect the etiquette that seems like a squishy thing but that's why people feel unhappy is if their morals, their etiquette, their rooms get invaded. That education piece does need to go in there.

Mike Mitchell:           Good. So I've got a question for you. Is this a social issue?

## **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell:           Are different people, different groups out there arguing about it? Is that why it's a social issue? Let me rephrase that. You tell me why is this a social issue?

Julie Eaton:            We all come from different understandings, not all of us but, if you come from a different approach or a different look or a different understanding you may come to a different conclusion.

Mike Mitchell: Sure, okay, who has different understandings out there other than just the people here at the table?

Don Skaar: Probably everyone.

Mike Mitchell: Well okay so this is an honest question. I don't know why you're here. I'm learning why you're here but you're here because a discussion had been taking place in previous venues wasn't constructive or didn't get to the end goal because of this differing perspectives. Granted I'm going to see things ever so slightly different from anybody else on any number of things but I want to know who is arguing about this. Why is this a social problem? We don't have 10,000 individuals representing 10,000 perspectives on this if we're all arguing because none of us can agree on anything this is a waste of time. On the other hand if there are particular perspectives out there that are part of what makes this a difficult problem to solve we should address those perspectives explicitly. So that's the thing and this is just based on my experience. We're going to do whatever you guys want. If you're squishy about the social aspects of this you're going to get squishy results. Let's just say you boil all of the perspectives out there down to we want the public to be happy. That's our objective, everybody's happy. Is that going to happen?

Julie Eaton: No

Mike Mitchell: Okay, who's not going to be happy with somethings, who's going to be happy with other things. That's what I want to know and we need to capture those, okay so Sarah can you put the lion example, okay you remember the pretty colors, okay these are the fundamental objectives the group came up with, these are the alternatives, these were how they scored out. Okay green is good which means a particular alternative did a good job on a fundamental objective, red is bad. According to that group these are the different members of the public that had been arguing. These are the people whose different perspectives made this a difficult decision to make. If we didn't split out their perspectives, if we just glossed over them they're going to be the ones that say you didn't take into consideration what I think at all. Now so your point Mike if you look at how this scored out across all of these alternatives you'll see some perspectives, the ungulate hunters did not like this one. It did not meet their objective. This one did. And this is just reality. Any particular alternative you come up with it's going to make some people happy, it's going to make some people upset and it's good to know what that is when you're making the decision. If you don't know you're glossing over an important perspective. Now again you're running, if you try to capture every single perspective that's out there that list is going to get to long. My question to you though is what are the groups that are most invested in this decision that have the most to gain, the most to lose, the ones that have been arguing or discussing or disagreeing about this who we need to make sure they're heard in this analysis. So if the groups that you're talking about don't capture that by all means let's add to it, let's take away. Yep

Michael Bias: I hear what you're saying with regard to that but if you look at those categories under objectives all lot of those are managed through tags non-resident tags you know, and so no ungulate tags, elk tags, this tag, that tag. In our matrix of people there's no non-resident tags that fish the Madison. That's my concern is that when we got to the management aspects of this you could adjust tag numbers, you could adjust tag numbers for non-residents, et. cetera, et. cetera, when you get to the matrix for ours when we get there, there's no tags for managing anybody other than commercial users. That's my worry.

Mike Mitchell: So that's part of the problem right? Okay, the

Michael Bias: You're good at this.

Mike Mitchell: Thank you. Yeah but that's part of the problem okay, you have one of the groups out there that can be regulated and then you have these other groups that can't or that aren't, or won't or whatever I don't know, you know this better than I do.

Michael Bias: Right

Mike Mitchell: Okay that's part of the problem. One of the things this group can come up with is acknowledging that problem and saying here's some solutions to it. Okay?

Michael Bias: yeah, yeah

Mike Mitchell: But if we don't capture that we totally missed it.

Michael Bias: I see.

Charlotte Cleveland: I think Mike you should wait because I think there are some other perspectives that will actually affect other people other than the commercial entities. I think there may be some proposals made

Michael Bias: Right

Charlotte Cleveland: than you have, mine for instance.

Michael Bias: I know how you feel about non-residents.

Julie Eaton: Go ahead

Michael Bias: We're not allowed to do that I'm sorry.

Julie Eaton: That's true.

Mike Mitchell: Don did, I'm sorry Julie

Julie Eaton: Oh go ahead

Don Skaar: Oh no I just agreeing with Mike, I mean that's a legitimate issue that we just need to capture here.

Michael Bias: I understand that now

Mike Mitchell: Yep part of the problem, I see that

Michael Bias: And we tried to capture that uncertainty about non-commercial use numbers, okay

Mike Mitchell: Yeah so in some ways maybe we were dancing around it and maybe we should

Michael Bias: go to it

Mike Mitchell: be very explicit about that.

Michael Bias: be explicit

Mike Mitchell: that makes sense to me. I'm sorry Julie I cut you off.

Julie Eaton: Oh no I cut Don off, so then we say other non-angling stake holders but if we want to go right to it we don't, then we need to add to the list, main street business is a huge group that will have feel some effect of potentially our rules.

Tim Aldrich: What group is that Julie?

Julie Eaton: Main street businesses or business or local whatever.

Jim Slattery: Local commerce

Julie Eaton: Sure so now that I said I wanted to reduce this list

#### **COMMITTEE TALKING AT ONCE**

Scott Vollmer: I think Julie you're right because it's in there. It's in the problem statement isn't it?

Charlotte Cleveland: It is, yeah

Scott Vollmer: We have a line for that

Mike Mitchell: Where is that?

Charlotte Cleveland: There is it minimize negative effects on local economies

#### **COMMITTEE TALKING AT ONCE**



Jim Slattery: Can we just have stakeholders and then, or do we need to have that in our problem statement? Know what I mean because in our objectives we have them listed as stakeholders.

Mike Mitchell: Yeah so

Jim Slattery: So

Mike Mitchell: Yes you do.

Jim Slattery: Okay.

Mike Mitchell: Everything that follows from the problem statement should make total sense based on the problem statement. I misunderstood you so that's why I had Sarah putting that back up. But yeah you want to be explicit every step of the way so somebody doesn't get to it later place and go how the hell did you get there? I didn't see that coming. Anything else? So let's put some words on the screen. Do you have an electronic copy of what Tim?

Sarah Sells: Not yet.

Julie Eaton: She's good.

Mike Mitchell: Tim would you have the ability to get that to her?

Tim Aldrich: Sure I'll just go up to my room and get it.

Mike Mitchell: Okay.

Unidentified Speaker: I spoke with the hotel management and we can make hard copies of documents if any of you have documents that you want copied.

Mike Mitchell: We brought a printer.

Tim Aldrich: Here's a hard copy.

Mike Mitchell: I'd really like to do electronic so I'm not trying to tell you how you want to go about revising this I just heard a lot of people say that what Tim said is a really good place to start to frame things. Did I hear that correctly?

## **COMMITTEE SAYING YES AT ONCE**

Mike Mitchell: So what I'd recommend there is putting this up side by side with what Tim contributed and then we can talk about editing this to whatever extent you guys want.

Julie Eaton: Perfect.

Mike Mitchell: And then we can go into what other kind of changes do we feel like we need to make to capture some of the thoughts that we've all heard here this morning. Is that what you want to do?

Tim Aldrich: To save time can we do that at noon time, lunch time or whatever?

Mike Mitchell: Kind of need to do it now.

### **COMMITTEE TALKING AT ONCE**

Tim Aldrich: I sent it to you did you ever see it?

Mike Mitchell: It's on you Don.

Don Skaar: Yeah I know, I don't know what I did sorry.

Tim Aldrich: I'll just go get it.

### **COMMITTEE TALKING AT ONCE**

Michael Bias: I have a question while doing, is this two paragraphs? This is just one paragraph isn't it?

Sarah Sells: It's whatever you guys want.

Michael Bias: The space is really aggravating.

Sarah Sells: I did start a new paragraph there but

Don Skaar: I'm suggesting couldn't she just type it in?

Mike Mitchell: Really that's where you're going to draw the line

Michael Bias: I'm a two space after the period guy. Just so you know.

Sarah Sells: I can't do it, I can't do it.

Michael Bias: Oh dude.

Mike Mitchell: I am too you should read all of the stuff she sends me

Michael Bias: No man

Mike Mitchell: it just sends me through the roof so

Michael Bias: editing. She's the grad student bro

Mike Mitchell: Does that mean I'm supposed to have any control over her whatsoever?

Michael Bias: Oh boy

Sarah Sells: Do you have it by e-mail if you send it to me real quick I can get it?

Don Skaar: Yeah I'll look again.

Eileen Ryce: Oh sorry I was just trying to be helpful.

Mike Mitchell: So who's tired of winter?

Eileen Ryce: If Tim has it electronically he could e-mail it to me if that would be easier  
Don. You seem to be having technological problems.

Michael Bias: Do we have WiFi here?

Eileen Ryce: I used all my hotspots to

#### **COMMITTEE WAITING FOR TIM TO GET ELECTRONIC WORDING FOR PROBLEM STATEMENT**

Michael Bias: Oh look at that

Mike Mitchell: Everybody's looking at you Don.

Don Skaar: Okay, should I send it to you Sarah?

Sarah Sells: Yep

Don Skaar: Okay what's your address

Sarah Sells: [sarah.sells@umontana.edu](mailto:sarah.sells@umontana.edu)

Mike Mitchell: So this is great we're going to have sent Tim on an errand that he didn't  
need to run.

#### **COMMITTEE WAITING FOR TIM TO GET ELECTRONIC WORDING FOR PROBLEM STATEMENT**

Mike Mitchell: Okay it's a race between Tim and Don. So I just heard from Eileen,  
Becky Doctor's not going to be able to call in today but she's going to answer the questions that  
have been imposed by (unintelligible) she'll send her answers, we'll put them up on the screen so  
everybody can talk about them. Okay?

Eileen Ryce: Mike sorry we have another question for lunch.

Mike Mitchell: Question for lunch.

Unidentified Speaker: Whoever was having the taco salad did you want ground beef or grilled chicken.

Don Skaar: Ground beef.

Mike Mitchell: Thank you, okay here we go. I'll get out of the way.

Julie Eaton: Oh boy.

Michael Bias: Can we shorten it?

Mike Mitchell: That's the problem statement on the left and this is Tim's on the right.  
Sarah can we make Tim's fit on the screen without making it too tiny to read.

Michael Bias: Geez Tim, remember the concise part?

Sarah Sells: Let's see. How about I just scroll when you guys are ready so you can actually, would that work?

Mike Mitchell: So yeah, go ahead and read through both and be thinking about how do you want to reconcile these.

Scott Vollmer: Can you scroll down too Sarah so we can see the bottom?

Sarah Sells: Little bit more?

Julie Eaton: Yep

Michael Bias: Oh, it goes on?

Mike Mitchell: Everybody have a chance to look at them both? Do you need more time? So my question to you is do you want to edit this and pull portions of this over or the other way around, edit this and pull portions of this over? Who wants to edit this? Show of hands. Who wants to edit this? Okay hard to say, no, that's alright you guys put a lot of work into this there's nothing wrong with saying

Travis Horton: In reading this, this looks like to me not a problem statement but an extended Charter.

Mike Mitchell: Okay,

Travis Horton: And nothing wrong with that

Mike Mitchell: Okay. I can see just outside perspective looking in this is some important context for the decision but I didn't quite fully grasp at the end of the last time so I can see how the context really could be important but there are other things you guys probably see that I don't but what I'm hearing is let's grab pieces of this and move them over. So let's do that and not

worry about good English at this point or the number of paragraphs Mike, or the number of spaces after a period.

Michael Bias: Okay, letting it go.

Mike Mitchell: Okay, so what do you want to start with?

Michael Bias: This Madison River is an iconic fishing destination for anglers worldwide. I think that's a great first sentence.

Don Skaar: The very first?

Michael Bias: Yeah that just made it to the top of that one. I mean it's more iconic than all the other rivers.

Don Skaar: An important part of that first paragraph was, of Tim's first paragraph was the last sentence about that, I mean it's Charter but it's also, no I'm sorry the previous sentence, at the June 14<sup>th</sup>.

Jim Slattery: The first two paragraphs were pretty similar except for the stuff that Tim added and then maybe we could add the bottom sentence to what Tim wrote is kind of what I was thinking.

Mike Mitchell: Okay I'm sorry Jim are you talking about basically taking what Tim wrote

Jim Slattery: Sliding it over and then maybe add the last sentence into it.

Mike Mitchell: So this entire first paragraph?

Jim Slattery: Yeah, that's kind of what I'm thinking I don't know.

Mike Mitchell: Let's put it on there and see what it looks like and if folks don't like it we'll play with it.

Jim Slattery: It has the important process and statues and that stuff in it.

Michael Bias: It's just gobbely goop man.

Mike Mitchell: I didn't hear you Mike

Michael Bias: MCA 2-5- that's just gobbely goop in the problem statement I think.

Julie Eaton: I agree

Michael Bias: I mean what do we care if it's MCA 2-5-101 that's not the problem. Right? Know what I mean? I think the context of, describing you know the draft EA all the previous plans I think is very important but that MCA stuff I don't think we need.

Tim Aldrich: The only thing it's a very specific statute Mike and it's exactly what the Commission said.

Michael Bias: Right and that's what I want to paraphrase.

Tim Aldrich: It's pretty much a quote.

Michael Bias: Right, I see that and that's my point.

Travis Horton: Is that a problem?

Charlotte Cleveland: yeah see that's to me it's

Michael Bias: It's cumbersome, it's like wow man, uh

Jim Slattery: I think it gives clarity though. I mean that was part of what we were trying to do right? Clarity?

Tim Aldrich: The Commission pasted a motion move forward.

Jim Slattery: Well that's part of the problem of why we're here right?

Michael Bias: That's it right there.

Scott Vollmer: I think Jim what you're saying correct me if I'm paraphrasing incorrectly is what you want to do is give some more information to the lay person

Jim Slattery: Right

Scott Vollmer: who hasn't really examined this like we have

Jim Slattery: exactly

Scott Vollmer: So they know exactly what we came from.

Tim Aldrich: (unintelligible) the motion will be (unintelligible)

Scott Vollmer: I think it's a little cumbersome as well I agree with you

Mike Mitchell: But what do you think about this just simply put the Commission passed the motion for Negotiated Rule Making Process to revise the river recreation plan.

#### **COMMITTEE TALKING AT ONCE**

Jim Slattery: Okay I got ya

Mike Mitchell: No problem, that way it's not

Julie Eaton: Yeah

Tim Aldrich: I just used the quote instead. Fine with me.

Mike Mitchell: Is this the last sentence needed?

Julie Eaton: One comment on including that if we're trying to make it more clear for others that doesn't, that makes it sound like that was our only option to revise the original plan.

Michael Bias: I agree, I see what you're saying

Julie Eaton: I mean we know that we had choices

Michael Bias: I came into this going, with the idea we're just gonna start a new

Jim Slattery: Well that last sentence in what we wrote kind of clarifies that.

Julie Eaton: What sentence?

Jim Slattery: It says the Commission has directed the Madison River Negotiated Rule Making Committee to develop a plan that would incorporate the interests of all stakeholders.

Charlotte Cleveland: That's really good.

Julie Eaton: Then it should probably be closer to that statement that we're talking about the charge.

Jim Slattery: Yeah that should be right after April 19<sup>th</sup> yeah.

Charlotte Cleveland: Yeah

Jim Slattery: That's kind of what I was thinking because otherwise the verbiage is pretty much the same as I was looking at it except for the part where Tim added about the quote and then I liked what we had come up at the last sentence. That's what I said is put that up there and then put that last sentence in there see how that looks is kind of where I was going.

Mike Mitchell: Are those last two sentences done then or do they both capture different important information.

Don Skaar: They're kind of complimentary.

Mike Mitchell: complimentary?

Julie Eaton: It doesn't

Melissa Glaser: You can get rid of the Commission has directed the Madison stuff

Julie Eaton: Yeah

Melissa Glaser: get rid of that first little part and it's the Madison River Negotiated Rule Making Committee that is now developing a plan that will incorporate interests.

Mike Mitchell: I swear Melissa you were an English major.

Michael Bias: Yeah she's pretty good man. Melissa and Sarah are good.

Mike Mitchell: All right what do you guys think about that first paragraph.

Charlotte Cleveland: I wanted to revise under line.

Melissa Glaser: It's not underlined.

Don Skaar: Yeah

Melissa Glaser: And then we also need to capture the Madison River is an iconic fishing destination at the beginning again.

Tim Aldrich: It's underlined in the Charter, this document right here Charlotte.

Charlotte Cleveland: Ah, okay great, that was my question.

Michael Bias: Why is it underlined there?

Tim Aldrich: I was using the quote. I don't know.

Don Skaar: Cause that was the way it was written in the Commission coversheet. Just for clarity to make sure that

Tim Aldrich: We talked about the word revise, but we have a lot of latitude, it's fine.

Mike Mitchell: I think revision is largely what this Committee thinks (unintelligible) and from my point of view revision goes from starting from ground zero to tweak. That's my opinion not everybody's

Michael Bias: Revision includes throwing it out

Mike Mitchell: What's that?

Michael Bias: Revision includes chucking it or can include

Mike Mitchell: I'm not saying that's true I'm saying that's up to the Committee.

Charlotte Cleveland: Well the lawyer said it was.

Mike Mitchell: The lawyer said what?

Charlotte Cleveland: The lawyer said that we could start fresh.



Scott Vollmer: That's our latitude.

Mike Mitchell: Yep, all right that makes sense to me

Julie Eaton: It doesn't capture it though.

Michael Bias: Broad spectrum. I agree with you when you read that it doesn't get that we can do that. The spectrum goes from chucking it to tweaking it.

Charlotte Cleveland: That would be great to put up there.

Michael Bias: I have trouble formally saying what I mean.

Jim Slattery: Do we want to put like full latitude in developing a plan?

Michael Bias: We mentioned the April 19<sup>th</sup> plan twice already and it's like holy maceral dude let's throw this out and start anew in my opinion.

Jim Slattery: Yeah but we have to have context too

Michael Bias: But the ability to do that isn't after this paragraph.

Mike Mitchell: Well so I don't think the Committee is restricted if what I'm hearing is correct. Is that part of the problem statement you know revision means we've agreed starting from scratch to tweaking it. Is your part of the problem is the word revise part of the problem for making this decision?

Julie Eaton: It assumes there's a document that is our starting point.

Jim Slattery: How about the Madison River Negotiated Rule Making Committee has full latitude or has been given full latitude of developing a plan blah, blah, blah, blah, blah. And that kind of tells you that you can do whatever the heck you want.

Michael Bias: I like that.

Tim Aldrich: Again I think that the origins of the CAC in 2012 some of you were a part of, came out of a lot of the study and one thing or another the information gathered and different tools they used to gather public input, I think that really gave rise to who they were, what they were there for. It was, it may not have been everything but it certainly was four different years looking at things and say we need to look. So I think that kind for Fish, Wildlife, and Parks at that time and I think for the Committee at that time they said yeah this should give us a scope you know I mean, I'm not sure how you get outside of that scope but I think it was really, we don't have a biologic problem. We want to deal with the social side of this was where, what they came forth, they admitted in the EA and said it was not a biological problem.

Don Skaar: How about this for a suggestion on that last sentence, the Madison River Committee will decide how to revise the plan that incorporates the interest of all stakeholders would that be?

Travis Horton: If their known

Julie Eaton: That's very different

Michael Bias: It doesn't give us the full latitude part.

Don Skaar: Deciding how to revise doesn't give latitude?

Julie Eaton: No

Michael Bias: No because

### **PEOPLE TALKING AT SAME TIME**

Michael Bias: You're still referencing the April plan and some sort of revision.

Scott Vollmer: I thought before Don suggested that, I thought right before the word plan we could add in renew or revise, kind of like a modifier for plan.

Julie Eaton: That captures it.

Charlotte Cleveland: That's good.

Michael Bias: (unintelligible)

Mike Mitchell: What's that?

Michael Bias: That's what we're doing kind of is.

Mike Mitchell: Okay folks feel pretty good about that? Moving on? What else do we need to copy over, and again we aren't going to say that Tim's input is the only input we're just borrowing from what he suggested. We'll put others in there as needed as well.

Scott Vollmer: I think my favorite sentence, and I'll get what you guys think as well but my favorite sentence is the last one starting with clearly in there and Tim just said it is this is not a biological problem that's in the draft EA. That gets to the crux of it doesn't it?

Melissa Glaser: Yes

Julie Eaton: Yeah

Lauren Wittorp: I don't know I think I have issue with it. We had both Dave Moser and Travis Horton tell us in their presentations that we are reaching a tipping point so I don't know but to me that's a clear thing.

Michael Bias: It was not in the EA

Scott Vollmer: They said that

Michael Bias: It was not in any literature or report or anything from Fish, Wildlife, and Parks ever until our second meeting after a couple of hours (unintelligible)

Lauren Wittorp: I mean Dave and Travis work for FWP and they have said it numerous times.

### **PEOPLE TALKING AT SAME TIME**

Mike Mitchell: Let's not debate about the health of the system.

Scott Vollmer: They also said that was an opinion

Julie Eaton: That's true

Mike Mitchell: Let's talk about is part of the problem that some people feel that this isn't just a social issue. Is that part of the problem? Are there stakeholders out there that say no the health of the river or however you want to say it is part of the problem?

Jim Slattery: Yeah we have that in there.

Mike Mitchell: Okay

Julie Eaton: But Tim you just said we were tasked, I mean not that, obviously that's my concern I'm there all the time looking to make sure there's health or I wouldn't be there but what you just said was that wasn't

Tim Aldrich: The purpose of the need statement written in the EA which is why they are proposing an action Fish, Wildlife, and Parks are proposing a recreation management plan and alternative administrative rules for the Madison River from the outlet of (unintelligible) a recreation management plan and administrative rules are warranted to provide guidance for managing river recreation and FWP managed access sites on the Madison and to help preserve the quality of the recreation experience for all users.

Mike Mitchell: So one thing I'd say

Julie Eaton: Yeah you got to have fish

Tim Aldrich: And it went on to say while not a resource management plan this plan does recognize the vital role that resources plan in the recreation experience and the potential impacts that recreation could have on those resources.

Mike Mitchell: So one thing that is important here is we don't, as a group, have to anchor on anything in the past.

Julie Eaton: That's a good point.

Mike Mitchell: Okay, you can think for yourselves on this and again in trying to understand what the problem is it may be that past thoughts or deliberations or what have you didn't fully capture the problem. So what I'm hearing, and I'm not saying this needs to be part of it, but what I'm hearing is not everybody thinks this is a social issue. Not everybody that has an investment of one kind of another in use of the river thinks it's just social.

Michael Bias: And we addressed that over the last couple meetings in our second paragraph.

Mike Mitchell: Yeah so but the question is this makes it look like it's just social.

Jim Slattery: Social conflicts yeah

Mike Mitchell: What's that?

Jim Slattery: Social conflicts

Mike Mitchell: It's clear that social conflicts are a big part of it. Part of the social conflict is disagreement.

Jim Slattery: Right

Mike Mitchell: At least in part about the fishery. Yeah?

Melissa Glaser: I don't know if there were no social conflicts on the river that we would be here today though. So that is the principal driver in why we all (unintelligible)

#### **PEOPLE TALKING AT SAME TIME**

Michael Bias: it sure isn't because we have 8100 fish per mile in Pine Butte.

Mike Mitchell: Not talking data. We're talking about perceptions.

Michael Bias: Then you can write anything up there.

#### **PEOPLE TALKING AT SAME TIME**

Mike Mitchell: What we're trying to capture is what this is a problem and different people, the reason it's a social problem is that you have different people that perceive what's going on in the river differently and that's part of the reason this is a difficult decision to make and so I have no horse in the fight but the group does need to decide without anchoring on anything in the past what really is the problem based, I mean if it's social problem who's arguing and why.

Melissa Glaser: The first two sentences are complete copies from the first one up to (unintelligible). Thank you.

Mike Mitchell: I need some proposed eds.

Michael Bias: I thought we already captured that issue under uncertainty of how the health of the fishery will be affected as total anglers continue to rise.

Mike Mitchell: I think the question is where is it

Michael Bias: It's down

Charlotte Cleveland: right there

Michael Bias: right there

Mike Mitchell: No go back up to look at this. What I was hearing and if I wasn't hearing it right tell me all right where does it say principle drivers? Have we already copied that over or are we still talking about over here?

Melissa Glaser: We never copied it over.

Mike Mitchell: The question is this, principle drivers, is this excluding the social perception of some people that there is a fishery problem as well and so that's my question to the group.

Melissa Glaser: I don't think it excludes it all. I think maybe if we get rid of clearly that would maybe make some people feel better and then the rest of the sentence seems to be the truth of why we're here and then we address the fishery later.

Mike Mitchell: Lauren you raised the concern what do you think?

Lauren Wittorp: I think that they, I mean what you brought up earlier I think it contradicts it.

Mike Mitchell: So what would you suggest in terms of an edit?

Lauren Wittorp: Not adding that line and leaving what we originally had.

Mike Mitchell: What do folks think? Oh I'm sorry Mark

Travis Horton: I was very comfortable with what was in the problem statement before that increased use of the river may result in a fishery problem. Doesn't say there is one now.

Mike Mitchell: Well again we're not talking about whether there is or is not

Travis Horton: Right but

Mike Mitchell: is the perception

Travis Horton: The perception is that if we get a lot more people on the river there's going to be a problem.

Mike Mitchell: But there's also and I'm just feeding back what I'm hearing I'm definitely not arguing, is there a perception that there already is a problem?

Jim Slattery: Yes

Mike Mitchell: Okay, so that's part of the problem and we need to make sure it's adequately addressed.

Don Skaar: So on the left side it isn't, where's that addressed right now on the left?

Julie Eaton: Down below

Don Skaar: I mean I think to be more honest to the concern it would be better to say there's a concern rather than uncertainty.

Mike Mitchell: Okay

Don Skaar: Uncertainty suggests, I don't know, I'm not sure what uncertainty is trying to say there but

Michael Bias: Well that's going to get back to the will or may. When we say fishery will be affected uncertainty implies that it can or cannot be affected. You take out uncertainty I'm going to, we're going to have an issue with will be affected.

Don Skaar: Yeah I get that but how about if we just say there is concern that the health of the fishery will be affected if total anglers continue to rise. Obviously there is that concern.

Charlotte Cleveland: Yeah that works.

Don Skaar: I mean that's more than more (unintelligible)

Michael Bias: All the other sentences that's what it is

Don Skaar: Talking about concern yeah

Mike Mitchell: There is concern.

Michael Bias: We're going to get into the will part cause it's will be affected or could be affected that's where we were.

Julie Eaton: Oh, that's right.

Michael Bias: I said the fishery could be affected now it will be affected, no it could be affected and now it's back to there is concern that the health of the fishery could be affected.

Jim Slattery: Again it's semantics

Michael Bias: It's not semantics. You're saying it will be affected

Jim Slattery: The concern is that it will be, that's what the concern is, the concern is that it will be affected.

Michael Bias: It might not be affected.

Jim Slattery: But that's not what the concern is.

Michael Bias: That's right.

#### **PEOPLE TALKING AT SAME TIME**

Lauren Wittorp: We have to represent what people are saying

Michael Bias: No, no, no

Lauren Wittorp: out there that's what we're supposed to be doing

Jim Slattery: Right

Lauren Wittorp: is representing all of the concerns that people have and that is a concern.

Mike Mitchell: We're not talking about whether something will or will not happen, we're talking about what is the concern and the

Jim Slattery: Right

Mike Mitchell: concern is that something will happen.

Jim Slattery: Yeah the concern is

Michael Bias: Dude we could get hit by a meteor so we better put that in there.

Mike Mitchell: Should we include that in our problem statement? The meteor part? The reason is, the thing is if I'm hearing correctly is there are people involved in this, stakeholders that are concerned that use will affect the fishery.

Julie Eaton: I don't have a problem with this

Michael Bias: Jim this is, I'm okay with that but my concern with this now and we talked about this is this idea of accumulative effects or a (unintelligible) events for example three years drought,

Jim Slattery: I think that's where we came with the uncertainty so that's why we put uncertainty there

Michael Bias: We pulled it out

Jim Slattery: I know but that's why we did that before and then we put it back in because of the uncertainty.

Mike Mitchell: Again we are not here to evaluate whether a particular perspective is right. We're just trying to say this perspective exists and that's why this is a difficult decision to make. It's a piece of the puzzle. That's it, we're not trying to say anybody's right or wrong so my question to the group is, is that a piece of the puzzle? People are concerned about the river as it currently is and increased use might make it worse?

Jim Slattery: Well there's also concern at the present use too.

Mike Mitchell: That's what I tried to say, I didn't say it well

Jim Slattery: Yeah, there's also concern of the present use and especially going forward with increased use. Okay how do we capture that?

Mike Mitchell: Here's what I would suggest, okay, I think this statement is accurate and that's because there are folks out there in part, it's because there are folks out there that believe the rivers at risk. That's a social group. Their arguing based on their values and so that's why it's a social conflict. And we can talk about their values like we do a little bit later that part of the concern is that the health of the river might be at risk. Does that seem reasonable? Lauren you're look like no.

Tim Aldrich: Mike it does for me and the reason I say that is I do not envision at this point in time putting something in place to deal with what we know is a biological issue, fishery issue. I don't see us coming up with a rule that's aimed at curtailing growth of use or whatever at this point in time overall in the name of the fishery.

Mike Mitchell: Well again having it in there doesn't imply that the group is going to come up with anything biologically based. This is trying to capture why is this a problem and you



guys are the experts not me. But if there's concern for the biology of the river we have, part of the social conflict is we have groups or people that feel like the river is currently at risk and that risk is going to increase over time then that's part of the problem right? So can we just say all right we've got social conflicts and then the next paragraph we go into more detail about why there are those conflicts?

Lauren Wittorp: And the only thing with the sentence when it says real social conflicts reported a number of years I don't think it's trying to say that it's part of, the social conflicts part of it isn't people saying that the river could be impacted, I think the part of that is actual on the river social conflicts that the conflicts are actual

Mike Mitchell: Oh so in some ways you're talking about part of the conflict, when we're talking about social conflicts it could be seen in a couple of different ways so what people have been talking about with river etiquette, those are social conflicts.

Lauren Wittorp: Right

Mike Mitchell: And then okay, so help me understand what their getting at here, are they talking about just people butting heads on the river or are they

Lauren Wittorp: Yes

Mike Mitchell: talking about this broader context where user groups, stakeholders, or what have you are arguing about the best use of the river.

## **PEOPLE TALKING AT SAME TIME**

Julie Eaton: The broader one includes that

Charlotte Cleveland: yes

Julie Eaton: Not just, I'm sorry

Mike Mitchell: No I didn't mean to interrupt. I was going to agree with you for whatever that's worth.

Julie Eaton: It's a time

Michael Bias: (unintelligible)

Mike Mitchell: Yeah so yeah I can almost see that yeah the broader makes the decision difficult is stakeholders that feel vested in the river for different reasons and they different perspectives, that's why it's a difficult decision to make. Part of that problem is also just how people behave on the river okay but that might be like a sub-problem to the bigger problem maybe. Look at that. Are you comfortable, okay do folks want to include that sentence over there?

Jim Slattery: Yes

Melissa Glaser: Include something related to something like this.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: I like the idea because, I'm not saying this particular sentence but what it captures is being very explicit about what the problem is and right now the problem is as I understand it from listening to you guys is people are arguing. Not just on the river.

Jim Slattery: No we're not.

Mike Mitchell: Not this group obviously but it's a social conflict and that's a big part of what this group here is to try to resolve. Am I hearing that right? All right so if you don't want to use that sentence, rather let's do this. Do we want to capture that idea?

### **COMMITTEE TALKING AT SAME TIME SAYING YES**

Don Skaar: I have a suggestion, from my perspective, from our perspective trying to capture what we found in our surveys comes after that sentence of 2008, 9, 12, 16, the next sentence down there Sarah, right there that's the one I would like really to be captured, because that's really what's gotten us into this is our constituents are telling us there's problems with crowding and I think that needs to be more explicitly stated there. What we have on the left talks about concern about future crowding. We're hearing concerns about that today. That would my suggestion would be doing,

Melissa Glaser: I agree with that

Don Skaar: Move that sentence over

Julie Eaton: Well then you better add the last 59 years too. I mean really.

Michael Bias: I agree with that.

Julie Eaton: It's always been a

Mike Mitchell: It's okay

Julie Eaton: This rivers always been a

Michael Bias: We're not allowed to talk about data right?

(unintelligible)

Julie Eaton: That's data, I think it is, it's okay but it just is.

Mike Mitchell: Just reporting what the findings were, not talking about the data themselves. Want to move that part over. Again we can tweak it, I'm thinking big now and then we

Julie Eaton: Move it over, just move it

Mike Mitchell: What to you want Jim?

Julie Eaton: I like it,

Mike Mitchell: What do you want?

Julie Eaton: Move it over and then we can chew on it.

Mike Mitchell: Where over here would you like it?

Julie Eaton: I don't know let somebody else.

Mike Mitchell: Okay then I will suggest

Michael Bias: We're going to need a bigger screen.

Mike Mitchell: Scroll down here Sarah

Sarah Sells: Okay

Mike Mitchell: Put it right there. Now mess with it. You good with that? Leave it? Move on? I'm not sensing a whole lot of engagement on this.

Jim Slattery: I kind of like the whole paragraph (unintelligible) I think it gives us some context you know right from the beginning.

Mike Mitchell: This whole paragraph.

Michael Bias: Pretty much all (unintelligible)

Jim Slattery: You know what I mean, it gives, the first paragraph is kind of just a summary and then this one kind of delves in deeper, you know the Madison, all of that is you know.

Mike Mitchell: So you're talking about copying that whole paragraph over and starting the problem statement with that.

Jim Slattery: That's what I think and then maybe, I don't know, that's how I feel and then what we wrote can be after that. I think that gives very good context of what the problem is, explains about the river and why it's iconic, it's popular and now it's, crowding and all that in the beginning and it's one of the heavily fished rivers in Montana.

Mike Mitchell: So let's put it over there and see what people think. Sarah copy and paste that over to the other problem statement.

Lauren Wittorp: I'm good with all of it until that last sentence.

Mike Mitchell: Can we live without that last sentence?

### **COMMITTEE TALKING AT SAME TIME**

Julie Eaton: Where did that come from Tim?

Don Skaar: It wasn't in the plan I don't think.

Jim Slattery: I think the problem might be that some people might read it as social conflicts and when they think of social conflicts they're thinking right now on the river instead of like how we as an educated group here how we perceive it, what that means now.

Mike Mitchell: How about this? Instead of perceived and real social conflicts, disagreements among users of the river, get rid of perceived and real social conflicts, yeah that part

Michael Bias: disagreements as referred to what, disagreement over what?

Mike Mitchell: yeah I don't know

Michael Bias: I don't disagreements.

Mike Mitchell: I'm trying to get more specific than social conflicts without having anything implied so what do we mean by social conflicts.

Michael Bias: I don't understand the problem with social conflicts.

Jim Slattery: I think there might be a perception out there that some people would associate social conflict with fisticuffs or guys bumping into each other on the river on the boats and stuff. I think it should be a little more clearly defined.

Michael Bias: As

Julie Eaton: For example?

Lauren Wittorp: I agree, I think when Mike changed it to clarifies that.

Mike Mitchell: What you rather have stakeholders?

Michael Bias: Disagreements over what? Clearly disagreements among users over what?

Lauren Wittorp: There's a lot of disagreements.

Michael Bias: On?

Mike Mitchell: Which ones are a problem?

Lauren Wittorp: Don't we go on to list those later on in the statement?

Tim Aldrich: When we talk about above that, (unintelligible) recreation on the river and access point perceived use over (unintelligible) it's right there above that.

Mike Mitchell: Mark you're being really patient, I'm sorry

Travis Horton: What I see is two parts, one is history and perspective, the other is

### **LOTS OF BACKGROUND NOISE SUCH AS MOVING FURNITURE CAN'T HEAR CLEARLY**

Mike Mitchell: Okay so how about we're just giving an overview, broad brush, subsequent paragraph we go into more detailed explanation of what we mean here. What do you think about that?

Travis Horton: I would put in headings. One headings says (unintelligible)

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: What's our English major say? We'll get to that if we need to okay?

Michael Bias: I thought we were going to boil it down.

Mike Mitchell: Disagreements among users or stakeholders, whatever do you guys care, is anyone more clear than the other?

Don Skaar: Stakeholders would be better.

Mike Mitchell: Okay, we good with that? That paragraph?

Melissa Glaser: It's really too much for me to, there's a lot going on (unintelligible)

Mike Mitchell: Yeah okay

Julie Eaton: tonight

Mike Mitchell: Again we can always circle back. I'd suggest we'd move on we can stew on this during lunch, tonight, whatever you want to do and then come back and think about revisions if we need it. Let's go down Sarah. We just replaced this paragraph right? Is there anything over here that contributes to that, that's currently missing? I'm sorry, just throw things at me.

Melissa Glaser: I like the first sentence to just, if we didn't use that instead of the first sentence (unintelligible)

Mike Mitchell: I'm sorry what's the (unintelligible)

Melissa Glaser: This Committee's proposed plan and implementing rules that sentence, to use that as the first sentence instead the plan would promote a positive experience.

Mike Mitchell: Okay so copy that over and start (unintelligible)

Melissa Glaser: And then delete this one.

Mike Mitchell: What do you guys think?

Jim Slattery: There's a lot of and's in that sentence structure.

Mike Mitchell: Let's not worry about wordsmithing right now.

Jim Slattery: Right.

Melissa Glaser: And then I guess I just question all stakeholders including (unintelligible) their limited too, do we want to going back to addressing everybody, making sure that we're not missing part-time residents, not missing, dry fly fisherman or members of stream fisherman, does that saying not necessarily limited to does that allow for those other groups or do we have to specifically state them in the sentence?

Mike Mitchell: Yeah, that's always a tough one on this, because you list stakeholders and that implies everybody, there's always somebody that's not going to be happy about, just saying everybody else but again it comes back to what you guys think what has made this a difficult decision to make over the past however long. Who are the stakeholders that are heavily invested? Who are the groups that have a lot to gain and a lot to lose? So we know we're not going to make everybody happy but who are the people that are going to have a real problem with the decision and make implementing the decision a difficult thing to do if they feel like they weren't heard and they weren't considered. And so yeah, that's definitely not everybody in the world but who had been part of the difficulty up till now without saying anybody's responsible? Who disagrees?

Julie Eaton: I'm going to say it again Main Street business has a lot at stake and do we not give them their due by putting them in the group because.

Jim Slattery: Yeah we should. Local commerce.

Don Skaar: If I may a friendly amendment here I'm fine with putting that in, that's great to put it in but I'm not sure that it fits in that sentence though cause it, that sentence talks about how their use could be limited by a recreation plan. I don't know if it quite fits there

Julie Eaton: Yeah I see what you're saying.

Michael Bias: There use might have to be out of there (unintelligible)

Julie Eaton: We could do something at the end of the sentence that says local economy and specifically name businesses however you want to encapsulate that idea and then in addition all stakeholders, and then we go on to expand on this next group but it gives, it elevates that group.

Jim Slattery: Maybe where we talked about the local economy we should maybe beef that up a little bit more?

Julie Eaton: That's exactly what I'm saying with the adding, naming it.

Mike Mitchell: So Julie where are you thinking about doing it so if we're just naming people who are

Julie Eaton: Yeah just go up to all, right,

Mike Mitchell: All stakeholders

Julie Eaton: Now go to the period no up, up, up, up to the left right here, associated with on the local economy and let's name what that means.

Mike Mitchell: To include local business owners

Julie Eaton: Sure however you want to describe that because then I think it gives it a good place marker like we have added all the other groups in our next statement because you're right

Melissa Glaser: I think Sarah was actually in the right spot where she was in the sentence because we're working off the left

Julie Eaton: Oh sorry

Mike Mitchell: Yeah I was getting confused on that.

Julie Eaton: This is the one closer to me, so

Melissa Glaser: Yeah, in that sense I think we could expand that too.

Julie Eaton: yeah

Melissa Glaser: but only (unintelligible)

Mike Mitchell: So what would you like to add

Julie Eaton: Yeah that's right, that is a good sentence.

Mike Mitchell: Stability and growth of the local and surrounding economies. Do you want to be more specific than that Julie?

Julie Eaton: Yeah, like we say the businesses which we define that a local economy.

Melissa Glaser: Do you want to say (unintelligible)

#### **COMMITTEE TALKING AT SAME TIME**

Julie Eaton: Yeah that's interesting yeah I don't know

Mike Mitchell: Yeah local and surrounding economy is kind of a, and so if you want to be specific about who's economic, I'm sorry I didn't (unintelligible)

Julie Eaton: Air B&B

#### **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: Local commerce, that's separate from local economy you know the type, you know

#### **COMMITTEE TALKING AT SAME TIME**

Scott Vollmer: Business interests in Bozeman, Big Sky West, Ennis and surrounding communities, that's a lot.

Tim Aldrich: (unintelligible) general

Scott Vollmer: Yeah, let me rephrase that.

Julie Eaton: No I get what you're, I mean where do we stop.

Mike Mitchell: Do you want to replace economies with commerce or

Jim Slattery: No we'll leave surrounding economies because and let's do the local commerce and surrounding economies, something like that, local business and the surrounding economies something like that.

Michael Bias: We're talking about local businesses right?

Jim Slattery: That's right and then you know the by product is the surrounding areas.

Mike Mitchell: So local business and surrounding economies?

Jim Slattery: Or something to that effect.



Julie Eaton: That gives it, I mean we can go back to it but that gives it a place holder. I like that.

Mike Mitchell: Anything else on that paragraph so this is writing a little bit more detail, putting more general in the first paragraph.

Michael Bias: I don't even know if I should say it man, but it will be affected

Jim Slattery: But that's what they, that's (unintelligible) section. (unintelligible)

Michael Bias: So in the 90's I don't know how much like (unintelligible) to discuss

Mike Mitchell: You're about to do it anyway aren't you.

Michael Bias: I'm a data guy, in the 90's when we went through this trout numbers at Varney were 3,000 trout per mile, browns and rainbows. Use was 65,000 users (unintelligible)

Mike Mitchell: No time out, time out. We're not talking about facts,

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: Facts confuse the issues

Mike Mitchell: Well, we'll have a point where we can get to the facts, the thing is right now we're trying to capture perceptions

Jim Slattery: of the stakeholders

Mike Mitchell: that some of the stakeholders that make this a difficult decision to make. We're not saying whether they are right.

Michael Bias: And my point the perception of this same sort of arguments in the 90's were that it would affect trout numbers and now we're dealing with 8,000 trout a mile.

Mike Mitchell: Okay you're arguing with it whether there right or not. We are not addressing whether they're right. We are addressing whether they believe it or not and whether that is part of the trouble. That's it. We're not saying whether they're right.

Melissa Glaser: Back on the stakeholders I kind of want to expand commercial to large and small, because I think some rules might affect a large outfitter differently than they would affect a small outfitter. That's important to capture.

Mike Mitchell: So where you thinking about inserting that Melissa?

Melissa Glaser: Right where she is by large and small, I don't know how to word it properly, large and small

Mike Mitchell: commercial interests?

Melissa Glaser: commercial interests

Mike Mitchell: non-commercial interests? Okay what else? We good with that?

Melissa Glaser: I just have a question for Tim, why did you take out (unintelligible)

Tim Aldrich: I tried I guess to cover what more general terms, (unintelligible) very significant economy of the area, I guess I didn't, yeah, trying to capture everybody and everything we talked about that when the Bureau at the University of Montana talks about economic effects on the tourism on the State of Montana, and they name a few (unintelligible) motels, hotels, meetings, and funeral (unintelligible) and we could do that so but for me I think this is to tell people what, this is kind of our story that leads to what we do and why we do it. It's kind of the back drop, I don't think we want to leave anybody out but at the same time I don't think we can name everybody in some of this so that's why I think Scott saying and Mark I think we need to squeeze down a little bit on this and say hey we're going to, we look at the objectives we put in place and the alternatives we looked at and how we used those objectives on those alternatives, we're going to be looking at this area, this river, it's health and welfare and uses and the economy, we have to, I mean that's (unintelligible). Sometimes I don't want to talk about the philosophical need or reasons for hunting (unintelligible) but I'm getting to that point right now (unintelligible) if we can wordsmith this a lot more I think we've got a lot covered there and then go back and tweak at it again at some point we got to say hey let's everybody step back get a fresh copy of the whole thing, read it, see if it fits, left something out, (unintelligible) lunch.

Julie Eaton: Yeah

(unintelligible)

Julie Eaton: Clear head

Mike Mitchell: So completely unrelated question. It's noon, who's hungry.

Julie Eaton: Yes

Mike Mitchell: So first off do you guys want to break for lunch or do you want to work through it everybody sitting where you are.

Michael Bias: Break

Mike Mitchell: Second question, how much time do you think you'd like because we do have a lot of work to do.

Jim Slattery: Long enough to eat our lunch

Don Skaar: (unintelligible)

## **COMMITTEE TALKING AT SAME TIME**

Michael Bias: (unintelligible) how it last time get it to might or will or could

Travis Horton: Which sentence

Michael Bias: We're saying future crowding could degrade the user experience

Jim Slattery: How about yeah, there is concern how the hell could the river be affected.

Michael Bias: Here's my point, my point is they made the same

Jim Slattery: I know, I know what your point is

Michael Bias: in the 90's and wow we doubled trout numbers in that time. And that's an effect right?

Jim Slattery: So I think the concern is how will the fishery be affected.

Michael Bias: No, I don't care how, I just saying it could, could be affected.

Lauren Wittorp: That's not the concern though.

Jim Slattery: That's not the concern though. I understand

Michael Bias: I understand that

Jim Slattery: I know where you're coming from I understand that

## **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: (unintelligible)

Mike Mitchell: Lunch time.

Michael Bias: (unintelligible) we're working through this

## **COMMITTEE TALKING AT SAME TIME**

Melissa Glaser: I just wanted to get down the sentence about education

Julie Eaton: Oh gosh yeah, thank you

Sarah Sells: (unintelligible)

Melissa Glaser: right before there is concern with the health maybe, there is not a common understanding or educational program to direct users on how to behave on the river (unintelligible) and we can go from there.

Julie Eaton: Yeah and we can go from there. That's good, good place holder yep

Mike Mitchell: Where would you like to put that.

Melissa Glaser: on the river or (unintelligible) programs or fishing access sites

Jim Slattery: (unintelligible) proper way of talking pictures with fish, here (unintelligible) here buddy you take a picture, the fish is out of the water for 2 minutes. It's going to die.

Mike Mitchell: So my question on that one is the problem that people are not behaving well and the solution an education program.

Julie Eaton: Could be

Mike Mitchell: So I would suggest let's go ahead and just state what the problem is now and when you get to alternatives then you can say and here's an education program that help that. Okay? Does that make sense?

(Unidentified Speaker): Lunch is ready

Mike Mitchell: See you guys want to work and everybody's trying to make you eat. Okay how much time do you want?

Tim Aldrich: 45 minutes

Julie Eaton: 45 minutes

Tim Aldrich: half hour

Michael Bias: half hour

Julie Eaton: 42 minutes

Melissa Glaser: 42 minutes

Mike Mitchell: How about a half hour

### **COMMITTEE BREAK FOR LUNCH**

Mike Mitchell: Okay do we have everybody back? Everybody have a good lunch

Julie Eaton: Yes

Mike Mitchell: Okay everybody load up on calories to get us through the afternoon or take a nap, one or the other?

Michael Bias: Are they going to turn the heat on or what?

Mike Mitchell: Yeah it's funny Eileen came up to me and said are you cold and I'm like heck no I'm hot and everybody else is freezing.

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: I'm going to ask for a blanket.

Julie Eaton: The transcriber had blanket and I'm a little envious about that

Mike Mitchell: The Committee makes an official request to FWP for down jackets

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Okay, what we have here folks on your screen, this pass that around, this is what's up on the screen right now.

Michael Bias: I thought we were going to make it smaller.

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: It's funny when I do the introduction to SDM I'll put a problem statement that some other group came up with on the screen and it (unintelligible) fill up the screen and people are like oh no, no, no, no. Ours is going to be so much smaller now.

Michael Bias: (unintelligible) mountain lion one kind of (unintelligible) how we do.

Mike Mitchell: So take a look at what you have and what I'd like to do is put up specific edits that you think need to be on there, put them on the screen, talk about them, decide what to do. When I was talking with our English major, yes this is, we're not going for style points on this we're going for capturing big ideas. We'll have opportunities to refine and wordsmith later. By the way in case you don't like English majors Melissa didn't really major in English.

Julie Eaton: This is not accurate right?

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: What's the question Jim?

#### **JULIE AND DON HAVING A SIDE CONVERSATION, CAN'T UNDERSTAND THE GROUP DISCUSSION**

Michael Bias: Are we going to, what are we doing?

Mike Mitchell: We were talking about specific edits to what you're holding in your hand. Not wordsmithing necessarily but how are we capturing problems.

Michael Bias: And we added education in here?

Mike Mitchell: Did we add that before we

Sarah Sells: Yes it's toward the left

Mike Mitchell: What's that?

Sarah Sells: It's towards the left

Michael Bias: But we left off talking about, well Lauren and I, and Jim and I the idea (unintelligible) and I don't know if it even needs to be in there but the cumulative effects or, I'm worrying about three years of drought or Hebgen Dam breaking again, or PKD in the Madison and so and then what happens if 207,000 users a year with something like that (unintelligible). Is that in here (unintelligible)

Jim Slattery: I know we added it. I thought we added it.

Melissa Glaser: I think the first sentence in our statement that we ended with that (unintelligible) we had (unintelligible) adapted to respond to future conditions.

Jim Slattery: See all that stuff is on there

Melissa Glaser: We lost that sentence.

Jim Slattery: Yeah that whole first paragraph.

Melissa Glaser: (unintelligible)

Jim Slattery: And then we modified it too with Tim's right (unintelligible)

Melissa Glaser: Yeah we have the last two sentences (unintelligible), the first sentence which covers the future conditions

Jim Slattery: Do we have the one down that we modified?

Melissa Glaser: It's gone

Jim Slattery: That one's gone

Melissa Glaser: But we can add those sentences back

Jim Slattery: All right

Melissa Glaser: (unintelligible)

Jim Slattery: (unintelligible) I thought that was kind of laid out the why we're here and what we're going to try to do, it was more like if you're writing a short story or something that

first paragraph kind of tells you what's going to be happening the rest of the way. That's the way I looked at it.

Mike Mitchell: So did you copy it Sarah?

Sarah Sells: I copied the first sentence with that

Mike Mitchell: Do you want more than the first sentence or, because I want to do is just copy it in here and put it up there and play with it.

Jim Slattery: Yeah this one, well we combined (unintelligible). Tim basically built his from what we had but then we added something else to the problem and changed it and went over it a bit. (unintelligible)

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Okay so this is what Tim wrote?

(unintelligible)

Mike Mitchell: Okay, what from here needs to be captured up here that was missing or do you want to get from the original problem statement

Jim Slattery: Yeah from the original, yeah because that's where it says, you know functionally (unintelligible)

Mike Mitchell: Okay do you want more than just that first sentence or do you

Jim Slattery: I liked the way that we had it you know, I don't know, (unintelligible) I'm not the decider here I'm just putting my two cents in.

Scott Vollmer: I think if you compare that one to our new first paragraph I think the first paragraph was pretty bloated and there's a lot in there that

Michael Bias: yeah there's a lot in there

Scott Vollmer: that maybe we don't necessarily need so I'm with you on this one Jim.

Jim Slattery: Well I think, this is how I think, I think that what we had up there originally kind of gives an outline of what the rest of this stuff that we're writing here, gives it a little context to the rest of the plan that we've come up with or the problem statement. That's kind of how I look at it you know because we want to be concise but we also want to be clear and I thought that having both of those together kind of gave us that. That's how I feel but I don't know how anybody else feels.

Mike Mitchell: I think yeah clarity comes before conciseness, we can always make things more concise later. One thing before I forget, we got one recorder on here, did we have one over here in the middle as well?

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: on previous recordings there was way too much of me and not enough of you and so if folks would mind speaking up a little bit that would be great. (unintelligible) okay. So what specific edits, Jim what would you recommend?

Jim Slattery: I think, I would like to see that you would agree that we combined the two first paragraphs of what Tim had written and what we had written

Don Skaar: I think on the original paragraph that sentence about functionally adapted is missing from the new version.

Jim Slattery: yes

Don Skaar: it seems like that's one that should be added back in.

Jim Slattery: No it says it right here on Tim's.

Don Skaar: Does it?

Jim Slattery: yeah, it's basically the same and then when Tim goes into the statutes and stuff like that I think that's probably, he changed it up a little bit.

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Should that be moved up here somewhere? So this is the first paragraph as we left it before lunch. Does it address your concerns to move that sentence up to somewhere in that paragraph?

Jim Slattery: (unintelligible)

Julie Eaton: (unintelligible)

Don Skaar: That's the old version right?

Mike Mitchell: Yep

Julie Eaton: Okay

Mike Mitchell: Yeah the question is, what I think I'm hear folks saying is the functionally adaptive part is important

#### **COMMITTEE TALKING AT SAME TIME**



Mike Mitchell: And realizing that there are future conditions we don't know about.

Jim Slattery: That whole first paragraph the way Tim wrote it and then maybe of something else kind of gives the reader, the person that's going to read this, why am I reading this. We're just starting out here right off the bat swinging. That's kind of the way I see it. Why am I reading this paper and that's what Tim kind of outlined and we had outlined previously.

Sarah Sells: I'll see if I can get that paragraph back.

Mike Mitchell: Okay.

Jim Slattery: (unintelligible)

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: understand what you're asking for. Are you talking about putting Tim's paragraph back in, in its entirety?

Jim Slattery: Yep, there was some issue about revise or whatever we come up with a new sentence about that.

Mike Mitchell: Yeah so this, if I recall correctly

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Okay good

Jim Slattery: And then expressed the full latitude to develop a new and revised plan which we thought was important as well so it has the functionality, adapted functionality, and it has the full latitude. (unintelligible)

### **COMMITTEE TALKING AT SAME TIME**

Don Skaar: I was, part of the reason we ended up moving the whole damn thing over because I was really liking the part about Tim's paragraph about acknowledging what our surveys had found with regard to the crowding issue and that's seem like then we just kind of moved the whole thing but I don't know that, that whole paragraph needed to be moved but so I guess that's the part I'm still focusing on is want to capture that business about the survey's reviewing what the

Jim Slattery: Well that comes in the next paragraph. The second paragraph. That would come into the second paragraph.

Don Skaar: Okay

Jim Slattery: this gives us context of why we're reading, why are we reading this, what am I reading. It's like an outline.

Melissa Glaser: Can we move that paragraph in front of the one that starts or right after over the last 59 years and see where that gets us?

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Thumbs up or thumbs down. Let's make a call.

Jim Slattery: Should it stand alone (unintelligible)

Melissa Glaser: I think it's in the right place where it's at. I'm not sure the sentence starting with the draft environmental assessment is, that might be repetitive from what we said above.

Michael Bias: It is.

Travis Horton: Yeah

Melissa Glaser: But then we can start into surveys after that and go through problems with

Mike Mitchell: So kill that?

Melissa Glaser: I think kill that.

Travis Horton: yeah

Mike Mitchell: What do you guys think about that?

Jim Slattery: That flows better.

Michael Bias: Do we need all those 8, 9, 12, 16 (unintelligible), can't we just way Fish, Wildlife and Parks surveys and then here's I'd take that quote out because providing insight to the how satisfied people were on the Madison and then you say oh and they are concerned over this, that, and clearly they were not satisfied if they had concern on (unintelligible). Be like (unintelligible), no satisfaction or something I don't know.

Jim Slattery: I think the dates might be important to leave in so that the reader has, well how many, well we're going to tell you how many surveys.

Michael Bias: Okay, I'm fine with it.

Mike Mitchell: Other thoughts? Scott you look very pensive.

Julie Eaton: So we're repeating that sentence Fish, Wildlife and Parks Commission is in the process of establishing.

Lauren Wittorp: I was going to say are we going to have to leave (unintelligible)

Jim Slattery: I feel comfortable with it, (unintelligible), we can come back to it.

Michael Bias: Yeah really?

Julie Eaton: Yeah

Mike Mitchell: things that folks came in here the first thing this morning is there anything that's missing based on the edits that we've done so far today? Yeah Julie

Julie Eaton: I have actually this is a new one that I'll need some help with I think, there is concern about establishing rules governing user groups without knowing overall use data. So that gets at a valid point but it doesn't get at a particular user group that the concern is about. Let's see.

Don Skaar: Should it be more specific?

Julie Eaton: Well I think we haven't, there's a user group that we haven't expressed validly what their concern is with all of this going on and that's the commercial user group. There's a lot of concerns with the commercial user group on all of these other, the effect of help me out here.

Mike Mitchell: Does this kind of go back to what Mike was saying about how only one user group is regulated versus others aren't (unintelligible)

Julie Eaton: No this is a user groups concern about their concerns not being paid attention to. You know we're talking about businesses, we're talking about wade, we're talking about, I'll get back to you. I'm not getting any help on that one.

Michael Bias: Well I'm not following where you're going.

Julie Eaton: Well we haven't identified

Michael Bias: Just spit it out

Julie Eaton: I don't, if I had it I would but thank you, let me work on that, Jim are you thinking about something?

Jim Slattery: Well it seems like it's vague but it's encapsulating every user group there. If that makes any sense.

Michael Bias: So this came about because I said we only know, we know too a real fine detail the ins and outs of commercial users on the Madison, we have no idea of what the other use is and so that's when we came up about concern over rules and then overall use data. For

example we know that use to, the number of persons a day on the Madison for commercial users we don't know the use of the non-commercial users.

Julie Eaton: Right yea

Michael Bias: And we don't know the use even if it also came from user estimates on the lower river with regard to tubers I took BLM data and conservatively estimated 450,000 and they're data was saying oh many you forgot about the buses and it doesn't incorporate this or that, it's probably as high as 750,000 and then the 207,000 user days in 2017 where Fish, Wildlife and Parks told me a couple times that oh you're comparing apples and oranges you know it's 207,000 but it's generated from mail surveys so my point was well how many users on the Upper and how many users on the Lower and then issue about users in the walk/wade section, oh you know there's too many boats in the walk/wade section, well how many boats in the walk/wade or how many non-commercial users in the walk/wade, you don't know.

Mike Mitchell: Do we need to modify that?

Mike Mitchell: That's where that sentence came from

Jim Slattery: I think that encapsulates or covers all those concerns consisely.

Mike Mitchell: But I want to make sure we capture what Julie was saying.

Julie Eaton: I'm going to have to, I don't have, I'm going to have to think about it tonight.

Michael Bias: You mean there something else?

Julie Eaton: There's something that, that doesn't cover, that covers exactly what you need to.

Mike Mitchell: You just in brackets right there just say concerns of commercial users, we'll just use that as a place holder so we'll remember to come back and put that in there. Is that okay Julie?

Julie Eaton: Yeah, thank you I appreciate it.

## **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: People on my peripheral vision (unintelligible)

## **DON AND JULIE TALKING AND I CAN'T UNDERSTAND THE REST OF THE COMMITTEE**

Travis Horton: to me the first line in that paragraph the first sentence is really a solution and I think it should be probably put at the bottom of that paragraph and I think instead of what it says it should say should.

Mike Mitchell: You're saying at the bottom of the problem statement

Travis Horton: That's what we want to do

Mike Mitchell: I think you're right that makes sense.

Travis Horton: And then change the currently no recreation plan for the Madison River to guide decisions addressing the following concerns.

Mike Mitchell: What do you guys think about that? Can everybody see?

Travis Horton: decisions not the decisions. There's going to be several decisions.

Mike Mitchell: And then the other change was moving this sentence down here so that (unintelligible) this is what the Committee is going to do. What do you guys think?

Michael Bias: We were going to take out Montana

Mike Mitchell: Oh right what was that you wanted to change here?

Charlotte Cleveland: To all

Mike Mitchell: There you go. Okay, how are we?

Jim Slattery: (unintelligible)

Mike Mitchell: What's that?

Jim Slattery: (unintelligible)

Mike Mitchell: Lauren (unintelligible)

Lauren Wittorp: (unintelligible)

Mike Mitchell: You know students in classrooms really don't know that a professor sees every facial expression out there and so every time a student goes we see it and every time a student yawns we see and (unintelligible). Okay anyway is there any other gaping holes that you came in here concerned about, thinking about that we're not capturing. Again part of the problem why is this decision difficult. I'm sorry Mark.

Travis Horton: No I didn't say anything.

Mike Mitchell: Okay

Scott Vollmer: Can we go back to the red concerns of commercial users, I'm going to take a crack at this Julie.

Julie Eaton: I'm so ready to do it.

Scott Vollmer: There is a concern out there, you don't have to type this I'm just saying.

Sarah Sells: Got you

Scott Vollmer: There's a concern from commercial users that the data and presentation of the data is being used to justify the commercial users as the crux of the problem.

Julie Eaton: That's closer. And I came up with user to go with that, commercial concerns will be, were concerned that the solution to many of the other stakeholders angst will be solved by the commercial community bearing the brunt of the fix which will not fix anything. (unintelligible)

Scott Vollmer: Which currently address the elephant in the room.

Julie Eaton: yep

Jim Slattery: (unintelligible)

Mike Mitchell: I think that's really important so let's put some words up there

Scott Vollmer: What me to say what I just said and then you say what you just said?

Julie Eaton: Please

Scott Vollmer: There is a concern amongst commercial users that the data can say use data whatever, and presentation of the data will be used to justify those users as the crux of the problem. Not the best English but

Charlotte Cleveland: Representation

Scott Vollmer: How they were presented

## **COMMITTEE TALKING AT SAME TIME**

Scott Vollmer: Just by implementing the charts or the graphs

Charlotte Cleveland: Oh, okay so you're concern is that the presentation, there's something wrong with the presentation of the data

Michael Bias: Biased

Charlotte Cleveland: oh okay this is important.

Michael Bias: Biased against outfitters.

Mike Mitchell: Thank you Mr. Bias.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: You could say we have a Bias problem

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: This is an issue in talking with your Director as well because I came out with previous papers and discussions and said Fish, Wildlife and Parks staff is biased against outfitters on the Madison, Beaverhead, and the Big Hole and she was kind of surprised, she's like what really? And then you point that out and so I wrote a couple of papers on, it's not just Fish, Wildlife and Parks there's agency bias against outfitters not just in Montana so wrote some papers on it and tried to show it through examples so that's the issue.

Charlotte Cleveland: So you're talking presentation of the data in the studies?

Michael Bias: Yes

Charlotte Cleveland: In the studies okay?

Scott Vollmer: Correct

Charlotte Cleveland: Because it could be verbal but you're really talking about

Michael Bias: It's verbal too.

Julie Eaton: Yeah that's what I'm talking, I'm not as much saying that although that is of concern I'm saying that the understanding of concerns of other groups will, the commercial users are, I keep saying concerned, are concerned that outside group feels that the fix is

Michael Bias: yeah the outfitters

Julie Eaton: solved by commercial rules.

Don Skaar: Is it the concern among commercial users that they will shoulder the burden of the

### **COMMITTEE TALKING AT SAME TIME**

Julie Eaton: No how hard was that. How are was that?

Mike Mitchell: There's a concern among commercial users they will shoulder the burden of what Don?

Don Skaar: I said the solution that

Travis Horton: proposed rules

Don Skaar: rules, yeah

Scott Vollmer: There's a history Charlotte in this State of, well there's a problem let's hammer down on the commercial users because their the one hanging through. They're the easy target and (unintelligible)

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: We're the only one with numbers

Scott Vollmer: We want to be part of the solution and not just be rubber stamped and that's the problem.

Charlotte Cleveland: Gotcha

Scott Vollmer: That's why we're here

Michael Bias: I presented several presentations one of them I used the data showing 207,000 user days in the Upper River and for example when Andrew Puls came and talked to us he had a similar graph of outfitter use and it went up to 19,000 trips in the Upper Madison and the top of the graph it was 19,000, (unintelligible), 19,000 you know we got up to 19,000 but if you take 19,000 and put it on the same graph as 207,000 we're way down here and so when I presented those data in different forms I was told by Fish, Wildlife and Parks that I was misrepresenting the numbers so that's the concern.

Mike Mitchell: Let's just capture the concern.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: two sentences here about the concerns of commercial users. Do we need both of them

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: how would you combine them?

Julie Eaton: One can be the end of the other.

Don Skaar: Could be almost one sentence.

Julie Eaton: yeah it could be one sentence.

Don Skaar: And that they will shoulder



Michael Bias: Perfect, there's concern

Julie Eaton: It's closer yeah

Mike Mitchell: Does this capture the main idea or is there something else going on?

Michael Bias: **CAN'T REPRODUCE THE SOUND MIKE MADE**

Mike Mitchell: Still not there.

Jim Slattery:  
(unintelligible) Wouldn't we want to substitute crux for another word that's

Scott Vollmer: Source?

Michael Bias: Source

Mike Mitchell: Changing crux

Don Skaar: That's a cool word crux

Julie Eaton: I like it.

Jim Slattery: What does that mean?

Mike Mitchell: What do you think about source?

Scott Vollmer: I'm okay with source.

Jim Slattery: Yeah

Julie Eaton: Again it I'm

Jim Slattery: That's even more, that's even more focused

Mike Mitchell: cause and effect. What are you thinking Julie?

Julie Eaton: Again I have issues that, I'm trying to say there are issues that the other user groups are bringing up, I'm not talking about the presentation of data and studies although that is a concern so I guess other user groups that is our data that was presented.

Michael Bias: It's like presentation and how it's being used interpretation of it.

Julie Eaton: Let's just

Mike Mitchell: How about this, there's concern among commercial users that biased interpretation of data will be used to justify those users as the source of the problem and that they will shoulder the burden of the proposed rules?

Melissa Glaser: Beautiful

Jim Slattery: (unintelligible)

Mike Mitchell: I'm glad to finally find out.

### **COMMITTEE TALKING AT SAME TIME**

Sarah Sells: I didn't capture all of it.

Mike Mitchell: Okay, that bias interpretation of data, available data, change though used to available data will be used to identify those users as the source of the problem and that they will shoulder the burden of the proposed rules. What say you all? Julie is that capturing what you're thinking?

Julie Eaton: No, I'm sorry, I'm okay with that but again I have to

Mike Mitchell: You have to think about it?

Julie Eaton: Yep

Mike Mitchell: Sarah let's just take concerns of commercial users out of there and put that, no not that, this one, the stuff in red and let's just put this sentence in brackets so we'll know to come back to it. Is that okay?

Julie Eaton: Thank you

Lauren Wittorp: I have a question, saying that's it's a bias interpretation wouldn't it be that they think it is not that it is or is that admitting that we think it was a bias interpretation?

Mike Mitchell: My take is that's the same question about whether future use will or could.

Lauren Wittorp: Okay I just want to may sure it's all under concern that that is the concern.

### **MIKE MITCHELL TALKING AT SAME TIME AS LAUREN, CAN'T UNDERSTAND**

Mike Mitchell: Okay?

Lauren Wittorp: Yeah I'm okay with that.

Michael Bias: It has happened

Julie Eaton: Well and (unintelligible)

Michael Bias: It has

Jim Slattery: Well those are just your perceptions.

Michael Bias: I'm happy to see it's in there.

Julie Eaton: Okay

Mike Mitchell: Is everybody happy? (unintelligible) Don you don't look happy.

Don Skaar: No I was just scratching my eyebrow

Mike Mitchell: (unintelligible), what's everybody else think? Going once, going twice, with the proviso that we'll come back and think a little bit more about concerns of commercial users.

Jim Slattery: (unintelligible)

Julie Eaton: I get my homework out.

Mike Mitchell: All right, three times

Michael Bias: We don't need MFWP in the bottom though, and then the education are we going to work on that more or are we just going to come back to it.

Charlotte Cleveland: Come back.

Julie Eaton: Yeah I'm okay to come back.

Mike Mitchell: So brackets that one? Yeah again my suggestion on that one is education is the solution to what problem and it's the problem that we probably want to capture here.

Scott Vollmer: Should we address that as a concern?

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: this is really awkward okay, so if I stand here this isn't going to work, I'm sorry Scott go ahead.

Scott Vollmer: That was more of a joke.

Mike Mitchell: It was funny. I didn't, this is a question not a statement, should we address that as a concern and we can think about it.

Michael Bias: Yeah, there is a concern.

Julie Eaton: Yeah

Mike Mitchell: The behavior of people on the river is the concern. The solution to that could be education right?

Charlotte Cleveland: Yes

Mike Mitchell: So that's all I'm saying so this should be a capsulated concern, this is the problem and education would be one of the solutions we would consider or we would say no matter what education has to happen. Does that make sense? Takes endurance doesn't it? I mean it this time. Mark? Okay what's up?

Travis Horton: Just thought I'd put something controversial

Mike Mitchell: that's all right (unintelligible)

Travis Horton: Just one little change in the future crowding could degrade I would put could further degrade because we already know it's degraded. I'd love to go back to the way it was in the 50's but it's not that way.

Mike Mitchell: Yeah where is that Sarah?

Melissa Glaser: Two more sentences back.

Travis Horton: could degrade user experience

Don Skaar: Yep

Travis Horton: further (unintelligible). Could change it to will, could is fine.

Michael Bias: I like could.

Mike Mitchell: You go with that? Is everybody just tired of the problem statement at this point?

## **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Gee that never happens in this process. From my perspective we made a lot of progress on the problem statement last time this is massive progress so this is time well spent. The stuff that we've done today is going to make subsequent steps much easier and quicker so don't despair that it takes this much time. All right but we're done for today, for now. Right? All right moving on. I'm sure everybody's totally fine with fundamental objectives and we don't need to spend any time on that right?

Don Skaar: Uh, no

Mike Mitchell: Uh, no, okay that's probably true because we change the problem statement, fundamental objective need to reflect the ideal solution to the problem. So what do we need to mess with there? Again what I'd really like to do is talk about specific edits, the (unintelligible) in the concrete not the abstract.

Michael Bias: We divided commercial users into large and small (unintelligible)

Mike Mitchell: So putting large commercial users and then another one for small commercial users.

Julie Eaton: We added something about business in that group

Travis Horton: Or even (unintelligible)

Michael Bias: large and small

Julie Eaton: how do you decide

Michael Bias: we're not using data yet

### **COMMITTEE TALKING AT SAME TIME**

Travis Horton: Somebody isn't as it goes below 100,000 (unintelligible)

Michael Bias: by number of trips?

Julie Eaton: I don't know

Mike Mitchell: Are there people out there that would self-identify as small or large

Travis Horton: I don't know what the difference is.

Mike Mitchell: Okay well

Don Skaar: But there is a difference

Mike Mitchell: there is a difference

Travis Horton: there is a difference, I don't know what it is.

Don Skaar: Yeah

Michael Bias: When we split it to large and small, out of barrier or in barrier commercial users as well but this might get captured under large and small

Julie Eaton: Isn't that what were chosen large, medium, and small or something or just large and small?

Scott Vollmer: Large and small

Mike Mitchell: What about Julie's point about local business owners?

Don Skaar: Yes

Mike Mitchell: So when

Michael Bias: (unintelligible)

Mike Mitchell: Yeah so that's what I want to get at no Sarah let's add a new line. So we're not talking about, no sorry under maximize satisfaction,

Don Skaar: It is address to some degree down in number seven. I don't know if you want to expand on seven (unintelligible)

Mike Mitchell: So do we add local business owners under maximize satisfaction or are we capturing that minimizing negative effects on local economies?

Melissa Glaser: I think it's a partisan (unintelligible) we could say local business and economies.

Michael Bias: that's what we did in the problem statement

Melissa Glaser: I can't find it in there where is it?

Michael Bias: We got to put it back in there, (unintelligible)

Melissa Glaser: (unintelligible) local businesses and surrounding economies that's how we had it in the problem statement.

Julie Eaton: Okay so let's us that.

Mike Mitchell: Does that work for you Julie?

Julie Eaton: Yeah let's do that

Mike Mitchell: Okay so the satisfaction part is just about the users pretty much?

Charlotte Cleveland: Yes

Mike Mitchell: What else are we missing or what doesn't belong?

Don Skaar: Under 5 I guess other people can chime in on what they thought you were referring to about cost but I'm thinking about cost to our agency so I suggesting instead of minimize cost I've got maximize cost effectiveness of plan implementation. I mean so a cheap plan could be 10 words and probably wouldn't do us much good but would be the cheapest, would be minimizing the cost but what we want to do is make something that, we just want to get the best bang for the buck I guess.

Michael Bias: Do we want approximately

Don Skaar: No that's fine

Michael Bias: Because we could maximize cost effectiveness by raising the permit fees pretty well but that doesn't make our cost effective

### **DON AND MIKE B TALKING AT SAME TIME**

Don Skaar: Maybe you were thinking about something else that would minimize costs then which is okay

Travis Horton: I would say minimize cost to the users. If you raise fees to high you cut out people that are not rich. A lot of people in Ennis don't make a lot of money.

Mike Mitchell: So one of the things about cost effectiveness, think about how do you define effective? All of these things define effective. If you satisfy all of these things at the cheapest cost possible that's cost effectiveness so again if you're looking for tradeoffs, if you had minimize costs and then you have all these other measures for effectiveness you'll be able to see where that would be great but it costs too much.

Don Skaar: I guess it doesn't, it's good,

Mike Mitchell: I'm sorry

Don Skaar: I know part of it, I think everyone would agree whatever we come up with the simpler it is for everyone to actually use and for us that administers it would be to everyone's advantage.

Mike Mitchell: yeah and so if we have

Michael Bias: administer and enforcement

Mike Mitchell: Well yeah so if we had minimize costs and then you have clarity, conciseness, enforceability then that's getting at the making this as simple to implement as possible.

Tim Aldrich: I think when you talk about negotiated type things you talk about making the best buy. The cost is going to be one of the factors, (unintelligible), making the best buy for the people at the best cost.

Mike Mitchell: Yeah and the best buy would be accomplishing all of those things perfectly and not spending a dime, right? That would be a great buy. It's probably not going to happen, right but so yeah you just balancing and minimizing costs against all the things you'd like to be able to do. Going back to Mark's point, maybe we've been thinking about costs of implementation so costs to FWP, do you want to include one for minimizing cost to the users or different user groups or

Michael Bias: Well

Mike Mitchell: is that going to be up here under satisfaction?

Charlotte Cleveland: Yeah that's going to be under satisfaction.

Melissa Glaser: I agree, it's under satisfaction.

Michael Bias: The think is that you said Mark minimizing the cost to the user sometimes might not be a good idea right? For example right now the tubers have the least amount of cost right? They're at zero so we might not want to keep that at zero right so you want to, we can often use cost to manage use to make it inaccessible. They're not going to pay five dollars to float the Madison, they'll float the Yellowstone for free.

Jim Slattery: (unintelligible)

Mike Mitchell: What else do we want to play with here? So particularly thinking about changes we made to the problem statement does, if that's the problem what is part of the perfect solution? Is there something in the problem statement right now for which we don't have a solution?

Michael Bias: We, after I don't even know what we added here. The one we added about agency bias we have no objectives for that or education either. Do we need objectives right?

Mike Mitchell: Sure. If it's a problem it would be nice to solve it.

Michael Bias: But I think we might, can we go down to the objectives, we have some of them because we talked about it last time at number 8 reduce uncertainty in number of non-commercial users is uncertainty and satisfaction data I think we get but some of them.

Melissa Glaser: Sarah what does that sentence say in the problem statement?

Sarah Sells: What does the sentence start with?

Melissa Glaser: There is concern

Michael Bias: Maybe we covered it

Julie Eaton: Perhaps

Travis Horton: Do you ever put bullets instead of paragraphs together?

Mike Mitchell: All the time.

Travis Horton: If I were doing this I'd put each concern as a bullet.

Mike Mitchell: Totally fine.



Melissa Glaser: I'm thinking maybe 8A might cover that because obtaining non-commercial data is going to hopefully take away a bias because the bias is there only because we have only commercial data.

Michael Bias: Right, that's what I was thinking.

Jim Slattery: We already did that (unintelligible)

Mike Mitchell: Okay so do you feel like that part of the problem statement is covered by a fundamental objective then?

Melissa Glaser: I think it is.

Michael Bias: Could be.

Mike Mitchell: Okay let's go back to the objectives. So somebody brought

Michael Bias: I think we need education

Mike Mitchell: education yeah, so education is a solution to accomplishing what?

Travis Horton: Minimizing conflict between users.

Mike Mitchell: On the river or off the river?

Julie Eaton: Yes

Travis Horton: Either

Michael Bias: Among users

Mike Mitchell: Okay

Scott Vollmer: Should we put through education or is that the solution?

Mike Mitchell: Education is the solution. We're just trying to

Michael Bias: It's a means

Mike Mitchell: yeah so education is a possible solution I mean you could also give everybody a BB gun at the put in and if somebody misbehaves you could shoot each other so I'm not proposing that by the way but education is a solution to the problem.

## **COMMITTEE TALKING AT SAME TIME**

Travis Horton: I think conflict should be plural

Mike Mitchell: Minimize conflicts among users so are we just talking about poor behavior on the river?

Tim Aldrich: I think the access sites are really another key place.

Mike Mitchell: When I say on the river I mean

Tim Aldrich: Okay

Mike Mitchell: This education that everyone's imagining is a solution to what? What will it accomplish? It will make people

Tim Aldrich: (unintelligible)

Mike Mitchell: What's that?

Tim Aldrich: It's going to accomplish big smiles on

Mike Mitchell: It's going to make, well just put a smiley face. But education will accomplish etiquette. Improve etiquette on the river, improve consideration of other users. I'm not trying to put words in your mouth but that's what I'm trying to get at here. We're trying to maximize what?

Scott Vollmer: You hope it will because it will give the people the education because some are unaware.

Mike Mitchell: Sure but if people got that education what

Charlotte Cleveland: Fewer social conflicts

Mike Mitchell: I'm sorry?

Charlotte Cleveland: Fewer social conflicts

Mike Mitchell: Okay so we can say minimize social conflicts among, well I'm still trying to understand are we talking about

Charlotte Cleveland: All users

Mike Mitchell: On the river?

Charlotte Cleveland: Yes

Michael Bias: Well you're getting at what I was thinking so because I'm thinking stakeholders too right. Commercial users against non-profit groups or whatever, well this plan if we do this plan well we're all going to have a coke and sing Kumbaya right?

Mike Mitchell: Happens every time.

Michael Bias: That's what I was thinking. So was that an objective?

Travis Horton: I think it's a social thing

### **MIKE B AND MARK TALKING AT SAME TIME, CAN'T UNDERSTAND**

Travis Horton: parking lot is a social conflict. People do that, parking your car where you shouldn't so you block people.

Michael Bias: Or your boat.

Mike Mitchell: Don't get me started about put ins and take outs. How people manage them I (unintelligible). Well so are we, at this point thinking about what you want to resolve by education or BB guns or whatever is improved behavior people using the river?

Julie Eaton: Or on Main Street after they have used the river. So it's on and off.

Mike Mitchell: Will education help (unintelligible)

Julie Eaton: Absolutely

Mike Mitchell: Okay so maybe what we have then is, you know minimize social conflicts among users, just leave it broad

Julie Eaton: Yeah

Charlotte Cleveland: Yeah

Mike Mitchell: so that anywhere the users bump into each other they're nice to each other. Okay on the river, at the put ins and take outs, in the bar

Julie Eaton: on line

Michael Bias: In the paper

Mike Mitchell: And anyway so is that what we're saying then? Just minimize social conflicts among users?

Don Skaar: I guess I have a hard time with that. I think if we leave it vague we might kind of miss evaluating the alternatives for some of the critical aspects of that and that's we got conflict at fishing access sites, we got conflict on the water itself. I think we need to be able to specifically make sure we're evaluating the alternatives against that. I mean this is kind of

Travis Horton: You're saying adding some sub-type

Julie Eaton:           Bullet

Michael Bias:           Bullet this

Melissa Glaser:        Bullet points

Don Skaar:            Yes, so I get reduce levels of angler conflict and crowding on heavily used reaches and fishing access sites.

Mike Mitchell:         So is that two, reduce conflicts on heavily used reaches and reduce, I mean separate objective reduce conflicts at access sites?

Melissa Glaser:        Sarah had them up there

Don Skaar:            And I also said

Mike Mitchell:         We got the problem solved already.

Don Skaar:            I also said reduce I didn't say minimize, I don't know if

Julie Eaton:           I think that's a big jump. That specific of those, the specifics of those two statements.

Michael Bias:           Yeah (unintelligible) anglers

Julie Eaton:           I mean there's a lot more that encompasses conflict. It's like I come down to where the tubers are and I want to pull my boat out and there's kids on the ramp. I can yell at them but

Don Skaar:            Well then I'd suggest we put that in there as well.

Julie Eaton:           Well that's covered under minimize social conflicts among users we're going to have to decide what

Travis Horton:         Is everything covered under access sites?

Julie Eaton:           I'd prefer that, access sites, just access sites on the water and like I said where ever we meet. Those are three good areas. We can define those as needed or solve those as needed I guess.

Mike Mitchell:         Okay so the question I'm sorry Don

Don Skaar:            No go ahead.

Mike Mitchell:         The question this suggests could the Committee come up with a solution that's like hey everybody's nice to each other on the access sites now but they're killing each other on the water.

Don Skaar: Oh yeah you could provide more parking at a fishing access site. More boat ramps and reduce the conflict there but still have one on the water

Mike Mitchell: Okay

Don Skaar: duking it out.

Mike Mitchell: So then if

Michael Bias: Yeah there's scenarios where everybody's on one reach or something and then

Julie Eaton: But that's

Michael Bias: everybody's happy everyday

Julie Eaton: who knows

Mike Mitchell: So next question if we solve those two problems does that one go away?

Julie Eaton: They can absolutely help. But education can help all three of those.

Mike Mitchell: Okay

Michael Bias: Yeah minimizing anyone helps the other.

Don Skaar: Off the water would still be relevant.

Melissa Glaser: Yeah

Mike Mitchell: Okay, does this get at the folks that were thinking about poor education and how we might solve it? Does that get at it?

Jim Slaterry: (unintelligible)

Mike Mitchell: Okay, what else is missing, or what else is aaa, it's redundant we don't need that anymore or whatever.

Tim Aldrich: We got it in there that talks about minimize the impacts caused by moving stakeholders to other river and access sites.

Mike Mitchell: I'm sorry say that again

Tim Aldrich: Minimizing impacts cause by moving stakeholders to other (unintelligible) rivers and access sites.

Michael Bias: Displacement

Mike Mitchell: Minimize displacement

Julie Eaton: Displaced pain

Charlotte Cleveland: It's displacement

Michael Bias: That is covered in here a little bit

Travis Horton: (unintelligible)

Mike Mitchell: What's that?

Travis Horton: I think that's covered in maximizing satisfaction.

Michael Bias: I think it's two separate things.

Don Skaar: Yep, yeah I agree.

Mike Mitchell: Okay

Don Skaar: I mean from our perspective we know there is a certain amount of displacement going on and I guess if your displaced your probably unsatisfied but maximizing satisfaction to everyone that's left is a little different than

Michael Bias: Right displacement happens for different reasons. If it's a result of this plan, oh the Madison plan came and everybody's on the Yellowstone. That's different than the Yellowstone guys coming here when (unintelligible) or something. Or the Beaverhead blows out or the Upper Madison flows out. Displacement happens for different reasons.

Julie Eaton: Due to plan objectives.

Michael Bias: So (unintelligible), Tim are you getting that we can have within Madison River displacement so taking them off the walk/wade sections and pushing them somewhere else on the Madison or you can have it where push them off the Madison and they're displacing people on the Yellowstone, or on the Missouri.

Tim Aldrich: I'm not thinking about moving

**MIKE B AND TIM TALKING AT SAME TIME, CAN'T UNDERSTAND**

Scott Vollmer: Sure we can say minimize displacement due to implementation of plan?

Tim Aldrich: Well that displacement could be internal

Julie Eaton: Which is a problem.

**COMMITTEE TALKING AT SAME TIME**

Tim Aldrich: My thought, I wrote that down on my pad of paper here was other rivers

Michael Bias: I think we have to incorporate both right? Or do we not care about the Yellowstone

Tim Aldrich: Maybe have the ability to have replacement to (unintelligible)

Travis Horton: Two subtitles too, internal and external

Don Skaar: Well it's also prior and future too, I mean cause where I was really coming from on that is we know there's lots of people that have told us they have been displaced. It wouldn't hurt my feelings if we got some of them back if they wanted to actually, they're unhappy with the current conditions, they've been displaced, they want to come back. That's a worthy goal in itself. I think there's other concerns with displacement but that was the one I was trying to focus on there.

Michael Bias: I see

Don Skaar: I guess there's a lot of different aspects of that displacement here.

Michael Bias: Yeah, I was, yeah

Travis Horton: For example I've displaced myself from where there isn't a lot of boats and where there aren't.

Mike Mitchell: Well so

Travis Horton: It's just that I like it better without boats but that's a displacement.

Michael Bias: Right

Mike Mitchell: So do you want to have different versions of displacement that you think alternatives you can come up with affect one differently than other?

Travis Horton: Oh yeah

#### **MIKE B AND MIKE M TALKING AT SAME TIME**

Mike Mitchell: displacement at rivers other than the Madison, those two objectives? Sub-categories there?

Travis Horton: Two other

Michael Bias: Is it going to be user groups?

Mike Mitchell: Yep. Does that get the displacement, does that what you were getting at Don with different kinds of displacement?

Michael Bias: Kind of

Don Skaar: Well that displacement on the Madison I'm taking that to mean the plan might move existing users to other places and they may or may not be a good fix.

Michael Bias: right

Travis Horton: they may not

Mike Mitchell: Oh so actually displacement over moving people around on the Madison might actually not be something you want to minimize.

Don Skaar: Well

Mike Mitchell: Because

Don Skaar: Actually it could be a strategy to our plan too

Michael Bias: it could be on purpose yeah

Don Skaar: spreading it

Mike Mitchell: well so that brings up a good point, redistribution of use might be part of solutions you come up with saying that you want to minimize redistribution, that's

Michael Bias: Minimizing redistribution I don't think is an objective.

Mike Mitchell: Yeah so that's what I'm getting at with what do you mean by displacement? You might want to redistribute use on the Madison

Michael Bias: Right, right

Mike Mitchell: and that displaces to do that so

Don Skaar: I think displacement is a, that's an involuntary action, redistribution is, that's sort of a plan

Mike Mitchell: So do you want tactic? Do you want to take on the Madison off of there when you talk about displacement?

Travis Horton: (unintelligible), we may have to redistribute but it's probably not something everybody would love.

Tim Aldrich: I look at the Bitterroot plan it just passed muster with the public and has been implemented for a year and there's no doubt in my mind that because of some of the rules that are in that plan at this point in time it causes outfitters to fish someplace else during the day than what they normally might have. I like this reach in the water at this level or whatever but



no it's got a restriction on it today there's no commercial users on (unintelligible) days. I think that's a displacement too, when I was thinking about it, (unintelligible) discussion we don't need or won't finish today or this week I'm really thinking about moving people between river, between water bodies

Jim Slattery: Is that what you were thinking?

Tim Aldrich: That was what I was thinking earlier. Because I see some, it's not in the rules yet I don't know where it's going but some of the rules that are in place today are around the world make people make choices to fish someplace (unintelligible) wasn't fished but they still might be in the same river. (unintelligible) If we're going to get to the point where we say we need to do some adjustments in use on the river to get things done that discussion feels pretty important (unintelligible), we try to achieve an effect that also is an equal and opposite reaction.

Mike Mitchell: (unintelligible) just talk about displacement on the rivers.

Don Skaar: I'd like to suggest another phrase and to see what people think about that. So I had was reduce the number of displaced anglers.

Jim Slattery: Is that something that we can achieve?

Julie Eaton: Go back in time.

Don Skaar: Well

Jim Slattery: In reality is that something that

Don Skaar: Or surveys showed people saying for this reason and that reason I'm not longer fishing here

Jim Slattery: yeah

Don Skaar: so that would be one objective is creating conditions that those people would want to come back to the Madison. I think it's a measurable. What's that?

Travis Horton: I think that's achievable

Don Skaar: Reducing displacement?

Travis Horton: Making people have happier (unintelligible). I think there's some ways to do that, that's the future.

Jim Slattery: Let's leave them on there.

Mike Mitchell: Leave them on there and play it through and (unintelligible)

Tim Aldrich: If it gets in our way then **(can't reproduce the sound Tim made)**

Sarah Sells: Should we add the word unintentional displacement?

### **COMMITTEE SAYING NO AT SAME TIME**

Mike Mitchell: Okay, bad idea Sarah, if you hadn't notice Sarah and I pick on each other. Anything else? Everything in the problem statement covered by, have we solved all the problems in the world.

Don Skaar: Oh, I've got one more, I keep coming up with ones. And this is on the resource health one, I was a little not quite sure maybe we need to be more specific about that and I'm looking at Lauren so I wondered if just with the idea more specific on these it's going to be easier to measure alternatives against so my thought was maximize health of the fisher and aquatic habitat, would that be enough or were you thinking of other, I'm not even sure that was just your idea but

Michael Bias: When I came up with that I was thinking fishery and Lauren, the three of us thinking it's not just the fishery it's the riparian condition and included so we said resource health to include all this so, but you can invasion some areas management alternatives that might not affect the fishery but would certainly impact riparian use for only aquatic habitat or something.

Don Skaar: Should we include riparian in there?

Michael Bias: I think.

Travis Horton: Yeah that was things I've seen people didn't understand what resource meant.

Michael Bias: yeah

Travis Horton: We do, I mean I do but I deal with it all the time.

Michael Bias: But I don't know if you could run them combined

Jim Slattery: Yeah I think we have to drop down.

Mike Mitchell: Are those two different things that you could do something great for the health of the fishery that would be bad for a riparian habitat?

Don Skaar: No but it might not protect riparian habitat.

Mike Mitchell: Okay, separating them isn't bad. What else? So one thing I tell groups and they never believe me, the more fundamental objectives you have, the more alternatives you have, the more it's going to hurt later. Now

Jim Slattery: that's why we added resource.

Mike Mitchell: So my challenge to you at this point and if this is how many there needs to be this is how many it needs to be but my challenge to you at this point is how many of these can be compressed to capture the main ideas without going into detail that really isn't going to help make a decision? And this is totally your call, because I have no idea.

Travis Horton: I would say once you made that table and you see something with the same colors in two lines then you combine them.

Mike Mitchell: That's true. So can we call up the lion table?

Michael Bias: We want to pass (unintelligible) test. I think we should it's perfect for that.

Mike Mitchell: Sorry I'm giving Mike a hard time because he's a scientist too and he keeps trying to go all sciency.

Michael Bias: (unintelligible) all sciency

Mike Mitchell: So these numbers the group comes up with and the more of these you have, the more of those you have, the more numbers and if that's what it needs to be that's fine but if you can compress things a little bit so that you're still capturing what's really important over here, is really important up here, then it gets a little more time. So this is what's coming.

Travis Horton: I think when you introduced this you said, you started out with a lot more and compressed it.

Mike Mitchell: Yeah it's always, from a facilitation point of view it's always a dicey proposition. I want to encourage the group to be concise on its objectives but I do not want to eliminate any objectives that the group feel are critical. So that's why I'm putting this out there, I just want like everybody to take a step back, and let's go back to fundamental objectives Sarah, and think about these playing out in that same table and Mark was exactly right you know we can ask the question whether these really are different or not later and if we see that yeah they're scoring out the exact same way then we can say alright we don't need both of those. And if we aren't sure right not that's fine we can go ahead and do that. On the other hand if you feel like you can (unintelligible) that's perfectly fine too.

Mike Mitchell: Sarah could you go to the top? Number 1, just kind of looking at sort of yin and yang we've got residents, non-residents, large, small and non-commercial, commercial, non-commercial, non-anglers and anglers, and it's wade anglers and float anglers, can we compress wade anglers and float anglers together as anglers?

Michael Bias: No I don't think so because of that upper section right? We're already up against the walk/wade issue.

Jim Slattery: That's right Sarah

Michael Bias: Okay, nymph and dry fly guys though

Mike Mitchell: No I agree with you halfway through the sentence. Just thinking out load.  
(unintelligible)

Michael Bias: Kind along your lines I have trouble seeing resident and non-resident but that gets further on up to the displacement and all this other stuff. I think Utah we got to put Utah up there.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: I didn't see that coming. All right so everybody feels pretty good about these are separate ways of defining success that no two are the same basically if you come up with one you won't by definition accomplish the other.

Tim Aldrich: I come back to the clarity and conciseness one, two and three. Just say can you have both with one?

Mike Mitchell: I'm sorry Tim you both?

Tim Aldrich: Two and three, maximize clarity and then maximize conciseness.

Don Skaar: Why would you ever want one and not the other?

Jim Slattery: I see those more as place holders that remind us of what we should  
(unintelligible).

Mike Mitchell: Academic (unintelligible) here clarity is conciseness, conciseness is clarity so

Michael Bias: We don't have, so we have enforceability, clarity and conciseness I think are very similar too but administrative burden right we don't want to increase unduly the administrative burden of shareholder BLM or is that under enforceability or it might not be, you know if you have to have, everybody have three different stickers and 14 different tags and Sheryl has to administer every one of them that's not going to minimize administration.

Mike Mitchell: So actually yeah, we've got costs in there twice and in some ways you're talking about a different kind of cost. Administrative burden.

Michael Bias: Yeah

Mike Mitchell: So we have monetary costs in there but there's also an administrative burden that comes with plan implementation.

Michael Bias: Exactly right but we have to, for us we have to turn in our reports at the end of the year and they issue plans and boy it's like their entire three people working from

October to April to get those out and if we develop a plan that increases that level of administration it doubles it man that's not a good objective. It might be good for us but certainly not for the people administering the program.

Mike Mitchell: What do you guys think about changing cost so to administrative burden since we already have monetary cost up there?

Don Skaar: See that's one I originally suggested cost effectiveness, it seem you had talked it first time around but I was just trying to get at if we're really getting a lot of bang for the buck it's probably worth it

Jim Slattery: yeah

Don Skaar: But we want it to be as simple and cheap as we can.

Michael Bias: It might be, it could be too the administrative burden on the permittees, if we implement a plan that we need to file 12 more annual reports that's not.

Mike Mitchell: So let's change that to minimize administrative burden of then to implemented plan and then sub-categories on FWP and on permittees.

Don Skaar: More categories

Michael Bias: I know we're making it longer. We're doing good we're making it longer.

Tim Aldrich: About three

Travis Horton: Can't you get rid of four then?

Tim Aldrich: users instead of permittees?

Michael Bias: No because enforceability is the Warden's out there going oh are you in the right section,

## **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: I heard somebody say users instead of premittees

Michael Bias: Users yeah

Mike Mitchell: Okay users. So actually I caught myself Charlotte I agree with you clarity is not equivalent to conciseness. Conciseness is a component of clarity though.

Charlotte Cleveland: It is.

Mike Mitchell: So

Michael Bias: It can be

Charlotte Cleveland: Yes

Mike Mitchell: What do you think about just getting rid of conciseness and say that's part of clarity? You'll know it when you see it when it's not concise you'll say okay we're losing clarity or whatever else you think is clarity. Or do you want to have them both.

Jim Slattery: I think clarity is the most important thing.

Tim Aldrich: Mike I think it involves conciseness.

Jim Slattery: I would agree too.

Mike Mitchell: There are a lot of things that go into clarity that we're not defining there. Conciseness is one component of clarity. All right do you want to go through each of these alternatives and say is it concise okay is this, or does it use as few words as possible or all of the elements of clarity do you want to define those there or do you want to say it needs to be clear.

Michael Bias: I can see where various aspects of the plan have clarity that are, but if you have many aspects of the plan the entire plan is not very concise. You know it's better long if each component has clarity.

Charlotte Cleveland: How about simplicity?

Michael Bias: Yes

Mike Mitchell: Simplicity is a component of clarity

Jim Slattery: Is that necessary?

Charlotte Cleveland: Sometimes.

Tim Aldrich: The rules are the tools of the plans, they're the framework that collectively they become a plan.

Travis Horton: I would submit that if you have (unintelligible) rules that's not clarity.

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: So I'm hearing people want to keep them both

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Does everybody want to keep both clarity and conciseness?

Tim Aldrich: I'll live with it.

Mike Mitchell: Can you live with it for now and pay the consequences later?

## **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell: Okay

Don Skaar: I'm still hung up on the minimize administrative burden, I'm okay with minimize administrative burden on the users I just don't want us to be axing a good alternative just because it's a little more work for FWP. That's not our goal in this, is to get out of it with the least amount of work. Our goal is to get out of this with the best plan for everyone so I'd be better saying economize or I got to have something in there that reflects that it's not, yeah we want to be economical but not at the expense of a good plan.

Jim Slattery: So we remove on FWP and just leave it on the users?

Melissa Glaser: No

Julie Eaton: Maximize cost effectiveness what you said

Don Skaar: That's, yeah

Scott Vollmer: When it comes to tradeoffs will that be something a place where we can consider what Don's talking about?

Mike Mitchell: Well so I've heard what you said before Don that you don't want it to be a consideration about this isn't about FWP and the job they do to do something right okay the only reason to have something like that in there is let's say that if the group came up with an alternative that require, well you need to hire five new people, or do it with what you've got. That would be a reason to say it's just acknowledging FWP has limited resources without saying that this is all about FWP. Now if you don't want that to be a part of it that's fine but that's where the tradeoffs come in to it. If the administrative burden for anybody goes way up and it only gets you this okay that tradeoff is probably not going to be worth it and you won't want to think about it any further. If administrative burden barely goes up at all and it's like holy cow look at what we accomplish here then it's like yeah that's good tradeoff. But if you don't have one side of that tradeoff in there then you don't get to consider it. Now I'm not saying that we should but that's the rational for including something is you want to see that tradeoff. You think that tradeoff is potentially important.

Michael Bias: I think it is. I think it's real important for example if we're turning reports in between October and December and if that burden is great of Fish, Wildlife and Parks that they or the administrators that they can't turn around permits by the time the season starts that's not minimizing the administrative burden we have to come up with something else to accommodate that.

Scott Vollmer: I think it's important to because I don't want you to have to hire 5 new guys to hang out in the bushes. Because ultimately that filters down.

Mike Mitchell: It's up to you. If you're uncomfortable with it Don just say so.

Don Skaar: Uncomfortable with the way it is you mean?

Mike Mitchell: Well with having that criteria in there and the whole maximize, minimize thing it comes back to is more always better maximize, is less always better minimize. That gets away from words that are more vague.

Tim Aldrich: There are so many tradeoff things that you got to look at when you look at this criteria here.

Jim Slattery: When we do the graph that'll kind of tell us that well the administrative burdens kind of high but we can use that as a gauge.

Mike Mitchell: Yup

Michael Bias: When we're all green and you're the only red one right?

Mike Mitchell: Nobody's going to care.

Michael Bias: It's going to be like, then you're going to be glad we stuck it in there.

Melissa Glaser: I think it does directly in our problem statement it says Montana Fish, Wildlife and Parks is constrained by the financial impact of limited (unintelligible) so I think that addresses that in the problem statement.

Michael Bias: And administrative burden on you guys has come up in every plan, it's come up in evaluating plans in the BH2 it's come up. You know if we're implementing a new rule on an existing plan it's going to be even an enforcement burden it's with that as well. Do we really need it?

Julie Eaton: I'm kind of on your side there Don.

Don Skaar: Yeah I mean, yeah I could easily imagine the alternative that comes up highest is the one that's got the lowest administrative burden there, I mean, do anything because we've gone away, that's zero administrative burden with the one where we go away. That would be the simplest plan of all right. Some people might want that but, I just can't I don't think that's a good (unintelligible).

Michael Bias: I'm looking at it as not make it less than what it already is like where we're at now is Do we (unintelligible) there, that's how I'm seeing it, minimize. Not reduce current plan and no administration.



Mike Mitchell: But how about we do this, sensing a lot of discomfort here, in the same way that we can decide later to take stuff out that's irrelevant and get it to the process later and it's like oh big missing piece we can put it back in. Does that seem reasonable?

Don Skaar: If you just get rid of that right there I'm good.

Mike Mitchell: Yep, okay, let's kill that for now, when you come back put it back in later we can do that. Is that okay with everybody?

Jim Slattery: Absolutely.

Mike Mitchell: Is this it for today? Anybody want to put any placeholders in there so they can think about it some more and come back?

Michael Bias: When we talked about health of the resource with it one of the health of the resource indicators we talked about was water quality but I don't envision any, well I do envision aspect of the plan that can adversely affect water quality, could there be a 7A that the fishery riparian habitat water quality which would incorporate (unintelligible).

Mike Mitchell: So you're saying keep (unintelligible) water qualities separate?

Michael Bias: Add water quality.

Mike Mitchell: Is that a thumbs up from everybody?

Melissa Glaser: That's okay.

Mike Mitchell: Yeah, okay?

Michael Bias: Initially I was thinking water temperature and then I was thinking siltation, erosion, you know, say you added 12 more boat ramps or something and they're all dirt ramps that's going to impact water quality, (unintelligible)

Mike Mitchell: Okay, everybody good with that?

Don Skaar: Going back to my thing I'm hung up on, could we put a place holder in there

Michael Bias: You want it back don't ya?

Don Skaar: Just say I mean I know we can go back on any of this at any time I just

Mike Mitchell: What you want up on again?

Don Skaar: Just some objective for the administrative sweet spot on administration and

Mike Mitchell: You just made us do away with that.

Don Skaar: Well the way it was.

Mike Mitchell: You got to remember

Don Skaar: The sweet spot one.

Mike Mitchell: You can't have an objective that says find a sweet spot. You're

Michael Bias: Of course you're not going to do that.

Mike Mitchell: The sweet spot is going to be defined when you compare your objectives, that's how you identify the sweet spot so you can't have an objective saying find the sweet spot. You have to say well a particular alternative would accomplish, would accomplish this, would accomplish this. And one of those alternatives would be a low administrative burden and so that would already just, you have an objective of administrative burden or increase an administrative burden or what have you so that's we find the sweet spot. But how you want to put that in there.

Don Skaar: I guess I don't know right now.

Mike Mitchell: Let's put a place holder in there, we got it?

Melissa Glaser: Mike are there other words that we can use besides minimize and maximize?

Mike Mitchell: Yeah and so the thing is with that and it does create confusion sometimes because it's like what you want to maximize something, nobody wants a billion boats on the river or something like that, the thing is, is again if it comes down to for a particular objective is more always better than maximize is the appropriate word for that other words are more wishy washy than that. Now you can also say maintain. So more is not better, less is not better keeping things the way they are is better. So that's what it comes down to. Maximize means more is always better. Minimize means less is always better. Maintain is just keep it the same. Other words that get, so you know like when we get to the scoring that point where we're putting numbers in that consequences table if you get to points that's like what exactly does economize mean, what score would I give this or how well does it economize, that could mean different things to different people that could be hard to actually say what that means.

Travis Horton: I've got a couple things I'm going to propose that could turn his hair white.

## **COMMITTEE TALKING AT SAME TIME**

Travis Horton: No I think you'll what it in there.

Don Skaar: What's, what?

Travis Horton: That you'll minimize your administrative burden.

Don Skaar: Rather than economize?

Travis Horton: What do you mean by economize? In industry we maximize profit that's basically what we're doing, least I'm putting economic, I'm putting dollars on it. We're maximizing profit of the users, profit (unintelligible).

Don Skaar: Well okay for example I know Julie wouldn't like the alternative of there be no commercial use on the river, that would minimize our administrative costs tremendously.

Julie Eaton: And mine too.

Don Skaar: And so where we with that?

Mike Mitchell: Sarah go back to the lion example. Let's not game out the alternatives yet. Yeah there might be an alternative that's great for administrative burden for FWP but it sucks everywhere else and that'll play out you know, it'll get a low score. You'll see a lot of red.

Julie Eaton: But if we know it why go done that path?

Mike Mitchell: It's not going to black and white. There are going to be some data like yeah that's a little bit of administrative burden but look what you get and there are going to be some that are like that's a lot of administrative burden but holy cow look at what you get so it's just part, when you say economize in the simplest terms economize means benefits minus costs. Go back to the objectives okay. So these are benefits, benefits, benefits, go down to where is minimize costs,

Melissa Glaser: 5

Mike Mitchell: 5 okay that's cost so comparing the benefits to that cost is the definition of economize because you're saying do the benefits outweigh this cost and the cost maybe enormous but if the benefits are even greater, win. But if what you're interested in doing is getting bang for your buck you need to define bang and you need to define buck. Otherwise you're not actually going to be looking at whether something is economical or not.

Melissa Glaser: Don would something like maintain cost effectiveness of Fish, Wildlife and Parks does that sound

Don Skaar: Well that's what I said originally cost effectiveness.

Melissa Glaser: So instead of minimize, maintain theoretically

**DON AND JULIE TALKING AT SAME TIME, CAN'T UNDERSTAND**

Don Skaar: Mike said that cost effectiveness is very measurable

Mike Mitchell: Cost effect, so if you say cost effectiveness you're not actually getting at well what is the cost and what is the effect. We're defining a lot of the desired effect how do we balance that against the cost unless we say what the cost is. What to just put a placeholder there Don?

Don Skaar: Yeah

Mike Mitchell: Okay

Michael Bias: What if you shift all of the Fish, Wildlife and Parks cost on BLM and then it's golden. Right?

Mike Mitchell: I think it'll be an important thing we'll come back to later because remember one of the things that needs to come out of this process is to recommend a decision to the decision maker that can actually implement or live with and so shooting for the moon is always the best alternative unless you say but it's going to cost you this and so putting yourself in the shoes of the decision maker about what it's going to cost them, that helps them balance but yeah look at the benefits. Okay so I think we'll come back to that.

Don Skaar: Thank you

Mike Mitchell: Yep, stew on that. Okay who's ready for a break?

Michael Bias: I am

Mike Mitchell: Okay let's take 13 minutes and 12 seconds. We'll get back together at quarter till.

## **COMMITTEE ON BREAK**

Mike Mitchell: Okay, discussion during the break talking about killing, that also FWP kill it? That's what FWP wants to do so is everybody okay with killing it?

## **COMMITTEE TALKING AT SAME TIME**

Travis Horton: I think he's going to be sorry but

Mike Mitchell: You know a he weeps later in the process we'll phase back. Okay, Julie

Julie Eaton: It was also brought to my attention that C and F are the same thing.

Mike Mitchell: Which

Julie Eaton: Non-anglers and non-commercial users are the same thing.

Michael Bias: What, no

Julie Eaton: Why

Michael Bias: Because you could be a non-commercial user that's an angler.

Jim Slattery: Yeah

Scott Vollmer: Yeah

Julie Eaton: That's in anglers

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: They're not mutually exclusive you know what I'm getting at. You could be two, you could be four of those things right? Cause you might float one day and wade the next day, how do you, what are you?

Mike Mitchell: So Julie are you saying that essentially those are the same thing?

Jim Slattery: No that's not true.

Julie Eaton: What is it?

Jim Slattery: I'm a non-commercial user.

Julie Eaton: Right

Jim Slattery: But I'm angling.

Don Skaar: Tubers are your non-anglers

Michael Bias: What about bird watchers, what there point is?

Julie Eaton: That's a commercial, bird watching is commercial.

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: Commercial bird watching and non-commercial bird watching we need two.

Julie Eaton: That's not is, all right sorry, I don't agree but I got

Jim Slattery: If we feel that, if we come to the conclusion that they are single we'll adjust it.

#### **COMMITTEE TALKING AT SAME TIME**

Julie Eaton: It's been our answer all day, yeah that's right just

Michael Bias: What I was told it's going to come out in the matrix, the blue pill or the red pill.

Mike Mitchell: Do you want to go down that road again?

Michael Bias: There is another one now, that

Julie Eaton: It'll come out

Michael Bias: It might but I thought it was going to come out but I had people say no it's not going come out and that's to reduce or minimize the privatization of access. So there's alternatives that people have discussed already that would privatize access.

Scott Vollmer: I said it when we first went around the room with objectives.

Travis Horton: There's attacks on access continually.

Scott Vollmer: It was on my first list.

Michael Bias: So should it be an objective? Yes, three yeses, four yeses?

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: Privatize access, for example if you close a section to public access the only way there is to pay your rancher to get on it.

Travis Horton: I can give you an example of

Michael Bias: Oh it happens all over on the Beaverhead. That specifically happened because of the recreation management plan.

Travis Horton: I'll give you an example just down the river from here.

Michael Bias: The breaks.

Julie Eaton: So what words do we want.

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Minimize privatization of access?

Michael Bias: That's what I boiled it down to.

Scott Vollmer: Translating that in the problem statement there is a concern amongst a lot of Montanans that stream access law will be attacked in the future here.

#### **COMMITTEE TALKING AT SAME TIME**

Scott Vollmer: It is a big concern.

Travis Horton: Is being and will be.

Michael Bias: Is that a different objective than 11 though? So the objective would be minimize or reduce impacts to the stream access law. Is that the same as 11?

Jim Slattery: I don't know

Travis Horton: You want to maximize the stream access law.

Michael Bias: Or maximize, I don't know how to say it, economize it. Don't affect the stream access law or

Travis Horton: Depends on which part too

Michael Bias: Right so is that separate from 11 is stream access, I think, because I think stream access is 12

Jim Slattery: Let's put it up there why not and we'll point it out as we go along.

Melissa Glaser: Maintain stream access law.

Michael Bias: Or even increase it.

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: Well if we, if you close the Grey Cliffs down you totally blow stream access law out of the river.

Mike Mitchell: Well is the group going to consider anything that doesn't maintain the law?

Julie Eaton: Yea

Michael Bias: oh yes

Mike Mitchell: You're going to recommend something that breaks the law?

Michael Bias: That restricts that to non-existing?

Mike Mitchell: Can you do that?

Michael Bias: Well apparently

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: The legislators do the law thing right? So can you recommend something that's against the law?

Don Skaar: Having private access doesn't negate the stream access law, I'm not sure I understand.

Michael Bias: No that's why I think there's, so here's the scenario, I think by examples and data but there's no data so if you have a section of the river and close it to access by boat you've essentially fenced the top and the bottom. You can't get there from here, you have to go through

Julie Eaton: through private

Michael Bias: so you just developed a recreation management plan that cut off stream access to that five or six miles in the river.

Lauren Wittorp: That's not stream access law though.

Michael Bias: I bet we could find a lawyer that would take that on.

Lauren Wittorp: Right when you think, like FWPR has recommended that once those were approved by their attorneys.

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: what did the Commission do and why did the Commission reject it because they were concerned about number 12.

Julie Eaton: It's true

Lauren Wittorp: I guess I'm confused because I don't, it doesn't fall in the stream access law but I'm sure we can ask the lawyer.

Tim Aldrich: Say that again Mike about the Commission, are you talking about Grey Cliff

Michael Bias: Grey Cliff's

Tim Aldrich: why the Commission

Michael Bias: Why did you reject the April 19<sup>th</sup> proposal, closing access by boat was one of the issues.

Julie Eaton: And below town.

Tim Aldrich: I think and that was (unintelligible) from the concern, one of the Commissioners that they've have been instances in the past relative to wanting to get rid of



certain uses in certain places like permit hunting for instance, antlerless licenses for elk, and where they might have had a number at one point in time and biologic condition have turned to where they wanted to minimize that they don't have the number of elk available so they can harvest antlerless elk in that area anymore but they were very hesitant to go all the way, they always leave a permit or two or three or four in place so that you don't have to get it back so I don't think they were thinking about that, I think they probably didn't understand, maybe wanted more of an explanation why that was a recommendation (unintelligible) at that point in time.

Michael Bias: Maybe it's not closed I don't know. From my point view and others through a plan if you stop access by boats on either end, essentially putting a fence on the upstream and downstream side you're affecting the stream access law. That's just what I was told.

Mike Mitchell: So honest question and I know nothing about a stream access law, are we talking about something that is black and white or are we talking about an interpretation, or different interpretations of the law? Because if it's black and white I mean that's a constraint, I don't think the group can recommend anything that breaks the law.

Julie Eaton: We can just way reduce access, we don't have to say stream access law.

Michael Bias: Yeah I was unclear as to whether 11 and 12 are separate or

Julie Eaton: I see what you're saying

Mike Mitchell: Yeah honest question I don't think we should argue about interpretations of the law

Michael Bias: Yeah I'm

Mike Mitchell: But I think that if the law say you will do this then yeah that means that's what we will do.

Tim Aldrich: Yeah stream access laws for all of us, if you can get there legally then pretty much you can

Michael Bias: If you can get there legally

Tim Aldrich: You can get there legally, even with the restrictions that were proposed.

Don Skaar: Yeah so those Commission rules are within the stream access law prevue it's in access law, it's a restriction but it's, yeah it's not taking away a fundamental right.

Michael Bias: Well that's where this is going to if you can get there legally where you can now by boat and then Fish, Wildlife and Parks comes in and says you can't access it by boat anymore, it just made that illegal. I think you're going to get into a fight.

Mike Mitchell: So that's the think I'm trying to get at, is it a matter of what we think

### **MIKE B AND MIKE M TALKING AT SAME TIME, CAN'T UNDERSTAND**

Mike Mitchell: or is a matter of the law says you can't do this?

Michael Bias: So you know on the Ruby you fenced it, says you can't cross my land from here and that's where the whole thing blew up, everybody, I mean it was serious

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: So how is Kennedy putting a fence different from you saying you can't get there with a boat.

Tim Aldrich: You can get there with a boat though.

Michael Bias: But I'm saying if we impose this no access by boat which is one of the alternatives.

Tim Aldrich: It's not, it's access to angle and access to it right now what we proposed boat access or float access into a reach that's wade only fishing and it was, yeah, they could still access it, they could still use the stream access law and walk down in the high water line.

Michael Bias: But the stream access law allows you to walk in and fish.

Tim Aldrich: Sure it does if it's legal to fish.

Michael Bias: Right this section is still legal to fish but you just can't get there by boat. I'm saying you effectively put a fence on there and kept me off.

Tim Aldrich: You put a sign on there other boats said no?

Michael Bias: It was just the interpretation that was brought to me that how

Mike Mitchell: Okay, so

Michael Bias: an alternative in this plan might affect stream access law.

Mike Mitchell: Let me tell you what I'm hearing. Stream access law an interpretation would be if you exclude boats you are violating the law because you're reducing access of people to a particular reach. Alternatively if people can still fish just maybe not in a boat the stream access law has not been violated.

Michael Bias: Right but this alternative says you cannot access that by boat.

Tim Aldrich: Say you cannot access it and fish when you get there.

Michael Bias: That's accessing it by boat right?

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: You guys are drawing a fine line and I think that these alternatives will affect the stream access law.

Mike Mitchell: What alternatives Mike?

Michael Bias: Closing access to the upper reach.

Mike Mitchell: Okay we haven't even got to talking about that.

Michael Bias: I know, it's an alternative but as an objective we should evaluate plans that don't affect stream access law.

Travis Horton: There are parts of the stream access law you might not like actually. But I think you could combine 11 and 12 and say maximize the Public Trust Doctrine.

Michael Bias: Or maximize public access, I don't know

#### **COMMITTEE TALKING AT SAME TIME**

Travis Horton: That's what the Public Trust Doctrines about

Mike Mitchell: How about this, I'm hearing disagreement about letter of the law, interpretation of the law. Let's run through our alternatives okay, let's let a lawyer look at it and say sorry that one's illegal. Rather than us trying to interpret the law here. Does that seem fair? We don't want to propose anything that breaks the law right? So it would be good for somebody who practices law, who's familiar with the law say yes that's legal, that's not. Is that fair?

Michael Bias: I think that's fair yeah,

Mike Mitchell: So we're not going to accept anything that breaks the law.

Michael Bias: Right

Mike Mitchell: We agree on that.

Don Skaar: That's

Travis Horton: The law's being interpreted as we speak by the Supreme Court at the State of Montana. We don't know what it is.

Mike Mitchell: Let's let Judges and Lawyers decide that. So can we kill that because we're going to abide by the law no matter what.

Jim Slattery: Would you feel more comfortable if we come back to it?

Michael Bias: Well I don't know I think does 11 cover the points does our objective number 11 take into account 12 or

Jim Slattery: Well no not with the scenario that he presented. But then again there's precedencing law that says you can do what you're saying and you can't be.

Michael Bias: What?

Jim Slattery: There's wade sections only that you're not allowed to use a boat to float down there and gain access there's already laws on the books. I don't know how to

Michael Bias: I don't know.

Mike Mitchell: So again we're going to let a lawyer decide if an alternative maintains the law or not? So we don't need this as an objective. That's where an experts going to weigh in.

Michael Bias: Yeah

Mike Mitchell: Okay so what do you guys think?

Jim Slattery: Let's give her a shot.

Mike Mitchell: Give her a shot, all right going once, twice, three times. All right that was good work guys believe it or not that was (unintelligible) a lot of progress. So now that we know we have a common understanding of what the problem is, now that we have a common understanding about what solutions to the problem look like, it's time to get to the part that everybody's (unintelligible) getting to and that is developing alternative solutions to the problem. So I gave you some homework to think about and again an alternative is a revision to the April 19<sup>th</sup> plan. Revision broadly defined from an entire replacement is a revision, a tweak is a revision, okay so where we are now as a group is to start thinking about these alternatives and this is critical. This is really critical and I try to emphasis this, we are not evaluating alternatives right now. With thinking broadly the process will be about evaluating them later is to the benefit of everybody in the group and everybody in the public that we are thinking about alternatives broadly and that means thinking about ones we don't like or we don't agree with. It's important to have them all up there because that side by side comparison if you are right about your preferred alternative or you really or there's an alternative you really would not like to see, putting them side by side will show you were right. It's to your benefit to consider all reasonable alternatives, even if you don't agree with them. What I'd like to do now is just go around the group and everybody share general thoughts about important things that we should be thinking about as a group when it comes to revising the alternatives. So who did I pick on first last time was it Julie or Mark? Did I pick on you last time to start?

Julie Eaton: I didn't allow it so I'll go first this time.

Mike Mitchell: You'll go first okay thanks.

Julie Eaton: So I'm not comfortable using the April 19<sup>th</sup> but I'll go ahead with it there was a proposal to wade only not access by boat and I'm, my alternative is scrap wade only, open up more river to boat to diffuse crowding so that's one. Use some sort of cap for all users and the April plan it was a cap for commercial only and those are the ones I want to present right now.

Mike Mitchell: Okay great thanks. What you got Don?

Don Skaar: I think a cap on total use is a worthy thing to look at so I think I'm in agreement on that. I think some I don't know if these are individual alternatives or just ingredients, we should be looking at do we want to consider a resident day kind of like Big Hole kind of thing, do we want a cap on non-resident days, that's one alternative I think is worth looking at. Do we want a cap on commercial days? A cap on number of outfitters? That is something like those, the current users, that kind of a system. I guess those are I guess some new ideas I can throw into the mix.

Mike Mitchell: Okay, and just to be clear no one is being asked for what their advocating right now. This is another spaghetti at the wall exercise. Mike

Michael Bias: So I'm speechless any clarification like for example Don said maybe you can help, a cap on total use, that's just we don't know what total use is.

Mike Mitchell: Right but let's not evaluate each other's alternatives, we're talking about what alternatives would you propose?

Don Skaar: If I can what I had in mind was just our angler survey, angler days.

Michael Bias: And we're not talking about how you would do that, that's like down the line.

Mike Mitchell: That's done the line.

Michael Bias: How to do that.

Mike Mitchell: Yeah

Don Skaar: We do have a measure of that.

Michael Bias: Okay, so alternatives to accomplish these right?

Mike Mitchell: yeah how would you revise that April rule to accomplish these objectives?

Michael Bias: I think so the in the April plan the discussion about no access by boat or vessel on three reaches I think is untenable.

Mike Mitchell: What do you think is tenable? So get rid of that?

Michael Bias: Yeah, we can't have that.

Mike Mitchell: Okay so you're saying alternatives would be to get rid of this

Michael Bias: Yes not have that. That (unintelligible) a closure on the lower river to commercial use I don't think we can, that's not feasible. So is that an alternative right? I'm giving you, that was in the April plan so it makes it

Mike Mitchell: So you're saying take these things out of the April plan?

Michael Bias: Yeah, now yeah

Mike Mitchell: So you would propose an alternative where it's like these things are not, are currently in the plan they're not in there anymore.

Michael Bias: Right

Mike Mitchell: Okay

Michael Bias: and but it's for me it's based on I always come back to why and that's probably not even pertinent who cares Mike, we don't care why it's just what we want okay so that what I want out of this is some statistically robust estimate of use in all sections on the Madison.

Mike Mitchell: So that's caught in the problem statement right? So in terms of

Michael Bias: I guess I don't know what you want me to put there.

Mike Mitchell: You as a Committee are going to recommend at least one revision to the rule that was discarded okay so what I'm talking about is what will that, what is your idea of what that revision would look like?

Michael Bias: We have to get an accurate quantification of use on the Madison.

Mike Mitchell: Okay. So that's not currently in there so you're saying

Michael Bias: No that's unknown.

Mike Mitchell: All right so you would add that to the current one that

Michael Bias: yes

Mike Mitchell: decisions be based on data that will be collected as part of this revision. Is that fair? I'm not trying to put words in your mouth.

Michael Bias: No that's exactly it, like I said the uncertainty issue.

Mike Mitchell: Okay uncertainty is a big one. I agree completely and this is where we're doing the science egg head thing together. If uncertainty is part of the problem there are two things that you can do when it comes to making a decision. One is I don't know enough, I can't make a decision, that hardly ever happens in the real world so then it comes down to well I have made the best decision I can now but here are ways that I can improve on that decision over time. And so one of them is well okay if we're missing the data that we would like to have not, let's go out and collect it as part of our plan and so that would be part of a recommended revision.

Michael Bias: Right

Don Skaar: If I could ask you for clarity

Michael Bias: Ask

Don Skaar: So is it the, like with the angler surveys we got off the lower section so there isn't a lot of distinction there between this plan could come up with something.

Michael Bias: Can I say don't use angler surveys or don't use surveys?

Don Skaar: Sure you can't tell me why?

Michael Bias: Well why, what's total use on the lower river?

Don Skaar: Including non-anglers?

Michael Bias: Yeah

Don Skaar: Yeah okay

Michael Bias: From Warm Springs to Madison

Don Skaar: Yeah we don't know that so it's non-anglers as well that your

Michael Bias: Yeah that, so the whole point in the lower river was our estimates, the best estimates we have aren't, mine was 450,000 apparently it's 300,000 more than that and so that coupled with hey you guys are, you got 1,000 trips down there and that's too many.

Mike Mitchell: Okay so let's just back out a little bit, you're saying we need to collect data.

Michael Bias: I'm saying we need to know the number of users

Mike Mitchell: Okay so that would be part of the alternative collect data on **(can't recreate sound Mike made)** whatever things that you think are important

Michael Bias: Yeah

Mike Mitchell: and let's fold that into future decisions. Right?

Michael Bias: Well into the plan

Mike Mitchell: Yeah, so well again it goes back to we can say we don't know enough to make a decision or well we got to make a decision based on what little we know but we can learn more as we go forward.

Michael Bias: right

Mike Mitchell: and that would be part of the revision that you would offer, you know I would like to see a plan that would collect data on this, this, this, and this so we can improve, in subsequent consideration of these rules we can make it better.

Michael Bias: Right, two things one is I'm still lost at what you want from me but the other is for example Don said we need to see a cap on total use.

Mike Mitchell: He didn't say that.

Don Skaar: I didn't say we needed to.

Julie Eaton: He said cap on commercial

Michael Bias: He said cap on total use

Mike Mitchell: He said that is a possible part of an alternative

Michael Bias: Okay so well whatever it looks like cap on us or limit use, we don't know what use is so how do you even get to the point where you cap it if you don't even know what it is? You know what I mean? That's I'm

Don Skaar: Yeah well that statement that I made was relative to anglers, I mean I don't know if that, Julie made

Michael Bias: Well even anglers, lower river angler use.

Mike Mitchell: So we'll get to a point where we can talk about feasibility of alternatives but for right now you're talking about different ways of skinning the cat. We'll get to the point down the road where it's just like that's a way that won't work but for now

Michael Bias: Maybe we should just skip me for right now and I'll come back to it because I don't know how you can say let's cap use on the lower river when you don't even know what use on the lower river consists of. I'm struggling here for alternatives to this. You know what I mean?



Mike Mitchell: We're just brain storming right now.

Michael Bias: Okay let's find out river use by everything under number 1.

Mike Mitchell: Okay

Michael Bias: All right

Mike Mitchell: What you got Melissa?

Melissa Glaser: I also I have a thumb drive with mine on, I don't know if that's, you want to put it on the screen. So I'll start out guess in all anglers, I thought we could do an annual angler satisfaction survey like on the Fish, Wildlife and Parks computer where the migratory bird harvest data you have to say how many birds you harvested. Maybe each angler as they come in and get their license each year (unintelligible). Also under all anglers I was thinking of an etiquette education program both for wade anglers and float anglers. Specific to those for anglers and non-anglers I would propose an annual vessel permit for the Madison River maybe even two different ones for vessels larger than X amount of feet and vessels smaller as an income driver for Fish, Wildlife and Parks and it would not apply to current SRP permit holders or non-SRP permit holders. In addition to that for boaters another (unintelligible) etiquette education program for ramp use, river use, anchor use. To address crowding I would open the entire river to float fishing year around and I would implement a small fee, a Madison River use fee to be deposited at a boat ramp and bring awareness to what those fees might go towards. It would not apply for licensed anglers, vessel permit holders or SRP permit holders so it's kind of a catch all for everybody else even if it's five dollars it be another income driver. I would under education I would require a river etiquette and drift boating test.

Mike Mitchell: Melissa could you speak up just a little bit please? I'm sorry.

Melissa Glaser: Yes, so

Mike Mitchell: Okay sorry the chairs are being moved around and folks are having trouble hearing so

Unidentified Speaker: We were just trying to help out here.

Mike Mitchell: Appreciate that John.

Melissa Glaser: So under education require a river etiquette and drift boating test, that completion is required (unintelligible) a vessel permit one time no fee, distribute the stream access law pamphlets to Madison River stakeholders those are already printed by Fish, Wildlife and Parks and are available so but maybe they can be spread among people more. Create posters for (unintelligible) licensed providers. Like at Sheddhorn they would (unintelligible) a river etiquette poster on the wall and if people are shopping they can sit there and stare at and oh my gosh I never thought of that. Boat etiquette and stream access over the whole river. I suggested

a 2018 draft use of (unintelligible) containers and establish a primitive designation of the reach from Grey Cliff to Jefferson River that's not taking away the commercial aspect but it's just establishing primitive designation so you're still (unintelligible) but there (unintelligible). I would hire a River Recreation Manager to be on scene at the boat ramps and on the river. It gives opportunity for users to talk to somebody, give them their issues on scene. And then for the future collecting accurate recreation user data, establishing your trigger marks and evaluating the effect on this management plan. So that's my first alternative and it doesn't address anything that's constricting to Commercial use but I do feel like that might be something that's going to come out of this Committee so I do have some suggestions on the next page of possible restrictions to commercial use that would still allow for growth. So capping the SRP permits, based on 2017 or 18 numbers whatever we had and maybe somebody got one new in 18 but whatever works the best for the SRP holder but allowing additional permits to be distributed as our plan allows. And I would suggest that each new permit holder if somebody is allowed to get a new permit would get a base line of 120 launches. That gives about four months of seven days a week working on the river. So if we were to cap launches I would say if we're using historical data we'd use our best numbers from 2017 or 18 but add an additional 120 days to each of those to allow for growth to allow a small outfitter that maybe only had 10 days in 2018 to have a full season of use and opportunity to grow. And then also the, if there's a SRP holder that wouldn't have any use over two consecutive years, basically saying maybe their paying for this permit that they're not actually using it then they would forfeit their right to that permit. And then a process somehow to allow SRP holders to get more days beyond what they've earned historically and beyond that 120 days through a random lottery. Of course no cap for scenic tours. I would say there's probably some concern for monopoly starting if there is some sort of commercial value to days and I don't know what the law says about that but if it does happen then it is an open market for historical use then I would want to limit that number to avoid having a monopoly. And then end of year SRP satisfaction survey which was suggested from the 2018 draft. And then adding to the future to establish a process for adding launches for commercial SRP holders and then other thoughts that were just kind of thrown around if there's a conflict between wade anglers and boats maybe there's a way that wade anglers could have a divers flag that says hey I'm here in this area to make them more aware on the river and then there's alternative three to build a wall around the Madison.

Tim Aldrich: That's got to go through Congress.

Mike Mitchell: Thanks Melissa I just wish you'd put a little more effort into.

## **COMMITTEE LAUGHING AND TALKING AT SAME TIME**

Mike Mitchell: Tim what do you have?

Tim Aldrich: A couple things I mentioned when I started, first of all I look at what we're going to produce as something that's going to go forward to the public, a larger public, for

their review and their comments and could be considered you know (unintelligible) whatever we propose. And the other thing is that I think that there's a lot of value and a lot of time put into what the Region 3 people put forth in their EIS or EA (unintelligible) and their draft rules and I kind of focused on those just a little bit and I go through somethings that I might want to change from what they propose. On the one on the upper reach from Quake Lake to Lions Bridge there's a not float to fish I thought that should go to the public and ought to be retained and the one that goes from the bridge here at Ennis down to the lake I felt we needed to tweak that. We didn't have an access issue there but again it's an area that gets a lot of use and anyway I think we need to revisit that to look and see is there some other kind of floatation type of device that might get people to that reach so they could fish it and also escape the area (unintelligible). The rule number two on restricting the number of SRP commercial permits for fishing I think that's a good idea, I think the EA talked about no reducing the use necessarily but to let's stop it where it is if we can and reassess and perhaps come up with some rules so I think those are good starting point we may not end up there but I think we ought to maybe think about that as one of the ways if we decide that if people believe there is a problem. I guess I'm like Melissa I agree think that the glass bottles thing is very environmental as far as I'm concerned is public safety and is environmental and should not be considered. I think rule three gets into permit holders are restricted to the Lions Bridge fishing access site to the Ennis fishing access follows, that was where we got kind of caught up on some data issues as how many trips we were actually going to be talking about if you put those restrictions in place. And I think the intent was on the Region 3 people was to put a lid on it if possible, (unintelligible) what they did and saying it the way they did I think they left the door open for and immense increase in the actual use that would occur in those reaches during that period of time. I think a thought I had was to say from October 15<sup>th</sup> to June 15<sup>th</sup> the maximum days is going to be 5 however the permittees average annual use during this time frame for 2016 and 17 if it was less than 5 trips then the maximum would be their average use during that period of time so it would be a restriction on growth but of the people that had fewer than the number of trips (unintelligible) for that October June period and then something very similar for June 15<sup>th</sup> through September 30<sup>th</sup> (unintelligible) thing. And this would be again you know to 10 would be the actual trips per day however the permittees average during this time from 2016 and 17 was less than 10 we could look at these maximum shall be the average of that use. So that's an attempt to I guess see what the numbers might be there and at least look at that. What is it (unintelligible) and so forth. I looked at the Grey Cliff fishing access site to the confluence with the Jefferson and all I had was maybe rather than taking the whole trip (unintelligible) in the draft rule let's talk about maybe from June 15<sup>th</sup> to September 30<sup>th</sup>, pardon me, June 15<sup>th</sup>, after June 15<sup>th</sup> from Grey Cliff to the confluence of the Jefferson River commercial trips prohibited a kind of aside to that was we had a (unintelligible) come and talk about non-fishing types of commercial trips and I'm a little loose on that. I think maybe that needs to be rethought but at least I wanted to put something forth we might consider.

Mike Mitchell:            Okay thanks Tim. Jim what you got?

Jim Slattery: This is what I have. First what I did was I went along with the proposed plan from last year and how I came to some of these are some are a little more personal and some of them from a lot of feedback in the end from surveys and listening sessions and what not. So on rule number 1 I think the vision that they had in there for Madison River be closed from (unintelligible) and for wade access to wade to fish should be sustained. You know as a wade angler there's nothing worse than I'll give a little antidote in here, there's nothing worse than seeing a fish, working a fish and you finally know that you got the solution for them and here comes a boat and that fish is down. I hear from a lot of the people in the upper Madison that live there, fish there, that's where my business is and they, it's got to be at least 10 to 1 that they wish that this rule was in place. So that's kind of why I'm bringing it up. No glass bottles and containers prohibited I believe we should keep that. As far as the rest of the rules I think, I don't know what to say on those. Now rule 2 and 3 to me seem kind of combined and to be honest I don't really see it's my place to really to having any suggestions on here other than there should be like a provision for new outfitters to be able to get in and I've thinking outside the box possibly I thought they'd be (unintelligible) any new outfitter wants to guide on the Madison River for limited days. (unintelligible) on rule number 4 recommended that to adjust these rules that we're proposing or they are proposing every five years I think it should be every two years (unintelligible). Then the rest of what I had is more personal because of the increased use of the river I feel (unintelligible) limit from Yellowstone National Park to the Quake Lake outlet should be one (unintelligible) instead of five. I think also no vessels or float tubes, float tube angling access from Hebgen Dam to the first parking lot on Quake Lake road or whatever they call it (unintelligible). Artificial's only on the entire river. I do make a caveat and this is would be in the stretches that you can harvest, an angler 11 and under can keep 1 fish (unintelligible) but parent must have a license. Also thinking outside the box here a little bit, rotate the open all year access in sections. Close river December 1<sup>st</sup> to the 15<sup>th</sup> that would be like from Hebgen to Quake is open all year, let's close it two years and leave it open one year and perhaps something, or something on this order to give the fish some respite and also let them get a little healthier and spawn unmolested. Kind of what I was thinking there. I think the Madison River use stamp or something to that effect and you know I'm thinking \$15.00 to access the river for recreation, these numbers could be adjusted. I think we need to possibly generate some more funds. And then also we were talking about etiquette and I think another problem we have is people don't understand how to handle and release the fish. I mean you see these hero shots they guys are passing the fish to one guy to another and the fish is out of the water for two years, a two minutes and the longer that fish is going to die. So what I think in order to get this stamp you need to passing a fishing test and it would be something very simple, six questions, something that's not going to be real time consuming but they need to be made aware. I feel that if you're going to fish the Madison you got to know how to handle the use of the fish. Also I hear this a lot is that we need a full time in season Game Warden or equivalent for the Madison River and the upper river mainly. This could be, the cost of this could be offset by the access stamp. Let's see here, I

think we need to go to barbless hook only, we need to teach the people to keep the fish in the water. I know that there's been studies about barbless and crushed barb

Mike Mitchell: Jim I'm sorry to interrupt here but we're not really arguing for certain things we're just saying these are ideas that would be good for the group to consider.

Jim Slattery: Okay and then something that we have to consider is fish mortality due to the frequency of being caught. I talked to a person (unintelligible) but keeping it simply a fish caught 4 and ½ times and a 70% or higher mortality rate. According to the statistics these rainbow trout are being caught 4 and ½ times a season.

Mike Mitchell: Once again Jim, we're not arguing for something. You're putting out there what the solution

Jim Slattery: Your saying to put the solution out there but why, so that's why I'm giving the reason why.

Mike Mitchell: I understand that but we're not arguing for, we're not trying to convince other people.

Jim Slattery: right well you also asked why do we feel that way so I (unintelligible)

Mike Mitchell: Okay what more do you got?

Jim Slattery: That's it.

Mike Mitchell: Okay thank you. Lauren

Lauren Wittorp: Yeah you want me to say what I was, I don't have any that haven't been mentioned already say anyway or

Mike Mitchell: No if you feel like what you've said is, or what you think has been represented we can move on.

Lauren Wittorp: All right then.

Mike Mitchell: Cool, Charlotte.

Charlotte Cleveland: The first think I'd do is look at limiting the number of non-resident anglers on the river and I would try to get their numbers down slightly to reflect what the river figures for 2016 and 2017 and would ask that both residents and non-residents purchase a stamp to be able to fish by limiting the non-resident anglers I would have Fish, Wildlife and Parks set a number of licenses their going to sell, once they're sold that's all that can be sold, that is to stop some of the crowding that is appearing on the river and since it's non-residents that are the majority of anglers on the river that's where I would start. I would take the money that we get from the permits for the residents and non-residents for making sure that the rules are followed

or enforcement. I would make sure that the entire river was free for boats but I would keep it the way it is now which is you can access the walk wade with a boat but you have to get out to fish. I believe the entire river should be free for commercial use in that regard. And I have a whole list of surveys that I think need to be done to get more data because going through the data the only thing that I could really hang my hat on was the demographics and the fact 68 or 9% of the anglers on the river are non-residents and I'd like some more Montana residents to be able to fish and their not.

Don Skaar:                    So could you described your walk wade suggestions again?

Charlotte Cleveland: Right now you can access the lower and the upper walk wades with a boat but you have to get out of the boat to fish so I'm saying that should remain the same. I'm also saying that the lower section Grey Cliffs to Jefferson should also remain open to commercial use, you know closed for obvious things like hoot owl and if it gets to hot (unintelligible) kind of the same regulations but the entire river should be free for commercial use.

Mike Mitchell:            Okay thanks Charlotte. Scott what you got?

Scott Vollmer:            I'll try to go through this quick, everybody's done an excellent job and a lot of mine are similar so I'm not going to bore you with the details. In relation to the revision to the April plan no rest and rotation I don't think anybody's talked about that but I don't want to see any sections shut down to rest and rotation to commercial use which was in the April plan. Couple of other people talked about opening the entire river to floating so open it up and get rid of the designations that close to fishing from boats. Lower section from Grey Cliff down to Three Forks, same thing I think Melissa said is continue, this comes from NCAC continue to designate it as a primitive reach in other words no more new accesses developed down there but I'd want to get rid of the designation of no commercial use from the draft EA. Probably round about something a little bit different is what I would like to see is some shared restrictions across all user groups upon a suite of biological triggers. I'm not, I haven't fully developed what those biological triggers are whether they're catch rate, trout size, you name it but immediately shared restrictions across user groups upon biological trigger, commercial, non-commercial you name the user groups. And then another great idea that was thrown out there that I will piggy back on is having a recreational use permit for the Madison for all users and in that recreational use permit there's some education involved, Jim talked about it and similar to what he was talking about where as education on etiquette with boats, etiquette with wade fishers, etiquette with fish handling I think that's a good idea as well. Possibly we could do a test and you have to pass for that I think there's ways to do it with either an on line video or not sure we'll develop that. And the funds for that can go towards enforcement and in more in particular having I think Melissa said having a River Recreation Manager present especially at launch sites so that to help users.

Mike Mitchell:            Okay

Scott Vollmer:            I think I covered everything.

Mike Mitchell: Thank you Scott. (unintelligible) Mark

Travis Horton: I want to preface and say I've fished all over the Western US except Colorado and Arizona. I've been at rivers where you're standing shoulder to shoulder, I don't want to see that. I've fished around the world several places as well. If I were King I'd ban all the boats from the river. But I'm not King so there are things that I don't like one is we're only regulating the commercial users. The use permit is one thing but it doesn't do much in the way of regulation. What I look at is the way we're regulating hunting. In hunting you can't, you have to get a permit for a specific area, (unintelligible) area. Hunters are distributed throughout those areas based on population of the wildlife. I think we need to do something like that. I don't think you can do that by regulating just commercial users. I think the way you do it is to regulate anglers and non-anglers both. I'm not sure how to distribute that in hunting we for example the State issues resident and non-resident license, I used to be a non-resident, we had drawings and apparently not enough non-residents coming anymore so you could get one very easily but make sure that the commercial users had a reasonable chance of plying their business, they were issued a certain number of permit possibilities. I think something like that would be useful on the river. If we're going, what I'm talking about is maybe for part of the year you can have unlimited use on the river during the months like I don't know end of September to beginning of April, I'm not sure of the numbers I'm trying to figure out what might be reasonable. I would like to see certain sections of the river closed to boating at certain times but having the whole river accessible to commercial and non-commercial boating not sure exactly how to do this I don't like regulations period but I think in the future the population of the Madison Valley and the population of the country is going to increase in such a manner that we're going to be forced to limit usage on the river and I think it needs to be section wise. An example might be these three sections are open to boating for this week the next week it's a different three sections and one section is open to wade only. I would love to fish some of the older, other sections that I don't fish now because I don't like interference from the boats. But I think I'm against severally restricting commercial usage. I think we should share the pain non-commercial and commercial users, floaters and non-floaters. Not sure exactly how to implement that. Like I said I don't like regulations but I think there's a way of doing that and if you do some kind of permitting system for example non-residents probably only want to fish one or two weeks a year, so why should they have to buy a yearly permit and if we leave it total number of yearly permits that's going to really severely limit a whole bunch of things. It's like I said I'm a big fan of Monty Python so here's something completely different.

Mike Mitchell: Okay thanks Mark.

Scott Vollmer: Mike can I throw in one more I forgot something.

Mike Mitchell: Of course.

Scott Vollmer: Am I allowed to do that here?

Mike Mitchell: For you Scott anything.

Scott Vollmer: One thing that I forgot to mention in my little thing is the banning of glass containers doing it so the glass containers aren't banned on the upper but they are on the lower. That's it.

Mike Mitchell: Okay, thanks. You guys put a little bit of thought into this haven't you? I heard a lot of really good ideas, a lot of creative ideas, hopefully some of you heard stuff that you hadn't thought of before. So now it's time to take those ideas and put the rubber on the road. So you can think of a lot of the things that were discussed as pieces of a puzzle and you can put them together in lots of different ways. You can just grab a couple of pieces over here and call that an alternative. You can grab a bunch of pieces. Again there is no such thing as a silver bullet at all and so what you're going to do is develop a lot of different bullets and see which one gets as close as we can to being a silver bullet. So this is (unintelligible)

Don Skaar: They did say they had them but their upstairs.

Mike Mitchell: As best facilitation (unintelligible). When it comes to alternatives there are two in this case that are given. One is don't do anything. Where we are now leave it alone. Another is well okay we have the April 18 rule. That's an alternative, no revisions. The others okay are going to be based on some of these ideas that you talked about and so here's what I would suggest. I wish I had a marker. If you think of the April 18 rule one alternative might be minus this, minus this, minus this, plus this, plus this, plus this. Do you understand when I say minuses and pluses? Things that you're saying I want to take out, things your saying I want to put in. Again you're not trying to design a silver bullet you're just trying to think of different kinds of bullets. There's nothing wrong with identifying a pie in the sky sort of you know this is shooting for the moon. This is what I'd like to see. Just realize that chances are good that things like constraints on costs or law or what have you might limit the ability to do that so even when you're thinking of pie in the sky you can think of what is realistic and just say I'm shooting for the moon here but I'm not literally trying to land somebody on the moon. Okay?

Unidentified Speaker: Mike

Mike Mitchell: Yeah

Unidentified Speaker: Markers

Mike Mitchell: I knew there was a reason (unintelligible). Thank you.

Unidentified Speaker: You're welcome.

Mike Mitchell: So one is always do nothing. Two is the April 18 rule.

Julie Eaton: 19



Mike Mitchell: 18, 19 what's the difference.

## **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Okay so rule 3 revisions 3 to whatever April 19 take away this, take away this, take away this, add this, add this okay, so and another one would be April 19 take away this, take away this, add this, add this, add this, okay you see what I'm saying? One of your minuses can be the entire April 19<sup>th</sup> plan. It's up to you but if you take the April 19<sup>th</sup> rule as a foundation and subtract or add to is based on that I bet it might be the right way to start. Everybody okay on that? Yeah, okay, we have about 35 minutes until public comment so what I'd like to do is break up into small groups right now so 1, 2, 3, 1, 2, 3, 1, 2, 3, I counted Sarah, you're a three. Okay and Mark you're a 1 so what I'd like to do is get these groups together and start fleshing out what some of these alternatives look like again this is not about advocating for your favorite one. Definitely make sure that the one you prefer is included in there but you are not contrasting and comparing alternatives yet. So let's go ahead, I'm sorry Don.

Don Skaar: Is this process in our groups going to continue in the morning or are we trying to wrap it up.

Mike Mitchell: No we're going to get as far as we can today and pick it up in the morning.

Don Skaar: Okay

Mike Mitchell: Yeah Scott

Scott Vollmer: So we're in groups of three? Well maybe one group of four I'm not sure.

Mike Mitchell: yeah

Scott Vollmer: Should each member include their preferred alternative with the plusses and minuses and then develop some as a group?

Mike Mitchell: Sure, yeah, I think it's really important if there's an alternative you want the group to consider let's make sure it's in there but it's not just about that one alternative. Make sure your alternative is represented but also make sure others are represented as well. Okay again it's in everybody's benefit to make sure that everything is on the table so that nothing is excluded. Because if it's excluded somebody's going to come back later and say why the hell did you exclude that. Okay. So it's going to be a little challenging to, let's have group 1 over here, group 2 on that side of the table, group 3 over here and members of the public if you wouldn't mind making a little bit of room for them I'd appreciate it. Also if you guys could keep it down to a dull roar while the groups working I'd appreciate that.

Melissa Glaser: Mike do you want them on a thumb drive again.

Mike Mitchell: Not, well yeah okay so definitely write down your ideas on the laptop, get the thumb drive to Sarah, about 4:25 I'll collect the thumb drives. Does everybody have a laptop they can use?

## **COMMITTEE IN SMALL GROUPS**

### **RECORDING STOPPED DURING SMALL GROUP TIME**

## **PUBLIC COMMENTS**

Eileen Ryce: comment either so stick to the topic two minutes, one at a time. I think that's about it so who wants to go first? All right gentleman in the black sweater.

Unidentified Speaker: And then if the next person would just (unintelligible).

Dan Delekta: Thanks for letting me comment. His my name is Dan Delekta. Some of you might know me. I've been a guide and an outfitter on the Madison drainage for four decades. I purchased 40 some odd acres of commercial property overlooking MacEtee Bridge in 1984 and started construction in 1988 and finished building a 6,000 square foot log lodge in 1989. I opened in the winter of 1990 a fly shop, a lodge, and FWP licensing agency, shuttle service and outfitter and guide service at Cameron Montana the upper Madison. As long the longest running fly fishing business in Cameron. 2020 will mark the 30 years that I've been there. I have a unique outlook about this one of a kind fishery. From my many conversations with human beings from all over the world, fishing, recreating, vacationing in this valley I have many unique view on the Madison River system from Yellowstone National Park to Three Forks. I come to this Committee with a wealth of knowledge from all the groups that use the system. In summary how can I help you in this process? What questions can I answer and you can call me at home, e-mail me or stop at the fly shop for a conversation. Thank you.

Michael Bias: Thanks Don

Don Skaar: Thank you

Eileen Ryce: Who's next?

Unidentified Speaker: And by the way Dan that as perfect.

Dan Delekta: I just knew.

Matt Smith: Thank you my name is Matt Smith for the record. I am a resident of Ennis and I'm not a guide or an outfitter but I do own my own boat. I'm here, I'm concerned about the economy of Ennis, so I know that Bozeman has a huge economy and a regulation would not hurt that town very much at all. Also if you go to West Yellowstone it has the Park, it also has snowmobiling all year around, or not all year around but, it might be. But if you come to Ennis and I'm going to get into the notes here. Ennis doesn't have the economy for Ennis is the

Madison River and right now I'll start reading this. The Madison River is the economy of Ennis and right now this town is on life support. All the hotels are empty, most of the shops are closed, they are all waiting for the river to open up. It is apparent the river is the economy in Ennis and Madison town. So any regulation imposed on the river is a regulation on the economy of this town. It is an assault on the way of our life, especially if you target the men and women that live in this county and make their living on this river. They spend their money here, they raise their children here, and this town needs that money to survive. It would be very easy to show that a restrictive regulation to a small group will cause an overabundance of economic harm to this town well beyond other towns in the area. I do not think FWP can willfully do that. We have asked FWP to do an economic impact study of Ennis. We've also asked that two or three business members of Ennis be placed on this Committee without any success. Now I'm calling for the business community to form its own committee to review any regulations that this Committee proposes to make sure that the economic harm to Ennis and Madison County is no greater than any other community in 100 mile radius. Thank you.

Mark Deleray: We have to time wise, little tighter everybody.

Chris Gentry: I'm Chris Gentry, I own Madison Foods here in town, thank you for doing this job, it's going to be a thankless job I'm sure. I think we all agree that we need to protect the Madison River. The Madison River is the lifeblood of Ennis and its economic community. I'm sad to see that there are no independent business owners on this panel, again we need to look at our tourism in this area. There are economic impact studies out there on tourism. I think the, I implore you to get an impact study on what this is going to do to the town of Ennis. Fish, Wildlife and Parks has in their recreation management that best available economic information. I've heard a lot about the river but I haven't heard a lot about, there's a little blurb of what does to the economy here. Outfitters, guides in this river are the infrastructure of Ennis. We are a service industry we rely on the recreation that comes in there. Right now I know of three, four major employers in this town and myself, I know the hospital is a large, nobody has contacted us. I asked at a meeting at the Ennis Library that an economic impact study be done. I was told that they would get right back to me. I haven't heard a word. My employees I have, I employ over 5% of the population of Ennis. My summers get me through the winters. I don't lay my help off. What I make in the summer goes to my employees. This is detrimental to our community and I have yet to hear this from them. Julie and Scott said at the beginning of this, to do this correctly and not quickly. That's going to take some time. I think you guys have a lot of data to go over and some data that you don't have information on. Please take the time to do that. This isn't just about that river, we are all intertwined here. We need to be able to sustain what we're going now and maintain that. We have to grow. If we don't grow we die, where is that in this decision making process. Please look at that. It very, very much scares me to hear caps to days and restrictions on the river because that affects our tourism. People come here on vacation, they have the 3<sup>rd</sup> weekend in July off what if the river's closed on those days? They're going to go someplace else. We've got to be careful.

Mark Deleray: Excuse me we need to wrap it up.

Chris Gentry: Please get the additional information. Follow your own policies to get some economic impact information. Thank you.

Mike Lawson Two minutes isn't fair because I talk slow. My name's Mike Lawson, I'm a former guide. I've done my guidelines since 1974. I ran an outfitter business for 41 years. I let my license lapse in 2015 and turn the business over to my son who's here with me. I served on the Committee similar to this in 1979. Served with Pat Barnes, Bud Lewey, I think (unintelligible) Jackson was on it, Jim (unintelligible) and Dick McGuire. And the result of that we came up with just kind of holding the number of licenses at the amount was people had licenses then. I don't know what happened but it changed. It isn't that I don't support restrictions on guides and outfitters but most of these meetings and I've served on a number of these kind of things in Idaho and usually what you have are two things usually you have people who want everyone restricted except them and then the other thing is you want, usually you want to further restrict guides and outfitters. And so I guess the main reason of why I came here is to try to share some things with you about this industry and I don't have much time but I did write a blog about this on our business website so if you want to go to [Henrysforkanglers.com](http://Henrysforkanglers.com) I wrote a blog about managing Madison River. That maybe has most of the comments I would make. But what I want to say is that I felt like when we first started the business the first 10 or 15 years or so we were looked on with the agencies as a partner, as partners. Kind of help take a portion of the public under our wing because we're held at a higher standard and that's changed over the years. Now we're not looked at that way at all. We're looked down on because we're taking, we're profiting from the resource and I don't know, I feel we get singled out because who isn't profiting. You take the town of Ennis there's some comments made, you take the fishery away from Ennis what do you have left here. You don't have much. Boat manufactures, fly shops, even the big companies like Cabela's they all depend on these resources and you're problem is not unique to the Madison River. All the rivers are happening, I'm done?

Unidentified Speaker: Keep going

Mike Lawson Okay that's, I just don't believe that the public who owns the resource, not you guys, not the Fish, Parks, and Wildlife, I just don't think it's right for you to be telling part of the public that they're kicked off. And I'm not talking about guides and outfitters. I do, we're very restricted in Idaho. You wouldn't even believe it. We're restricted for every river we fish and I support restrictions but I think you're walking down a slippery slope here. Thank you.

Eileen Ryce: Who's next?

John Dilschneider: Do I need to spell that name?

**PEOPLE TALKING AT ONCE**

John Dilschneider: I'm really not grateful that this whole process is happening. It's unpleasant for me and a lot of people here but I'm grateful for you guys taking on the task of dealing with it. I know it's not an easy job so thank you all and I also wanted to say thank you to FWP for bringing the meetings to Ennis this time. All of us really appreciate that. Two things and you've heard me say this before I think it's a real mistake to base any alternatives on residency. Most of the people in this room here make their living on tourism in one form or another. A non-resident angler on the Madison I think it's in the 70 some percent right so I know it's a difficult thing to cap growth or to cap any user group and I think maybe it's time to do that to preserve the integrity of the river and the experience and everything, the golden goose. But to do it based on residency will send the absolutely wrong message out to all the anglers around the world and as I said last time I believe the Madison River is a national treasure, it is not just you know the possession of the residents of the State of Montana. People from all over the world consider this a special place that they love and it's like their place. I think the residency thing, horrible idea. Several of you mentioned creating a new permit or stamp or something like that I do think that's the only possible solution to addressing the non-commercial users. Commercial users already paying handsomely for the privilege of working on this river and we're happy to do it but the non-commercial users aside from buying their Montana license don't. I think that's the only feasible approach however I'd say two things to that. Number 1 I think if you guys do your homework I think it takes a legislative action to generate any new fees or permits and you can't do that and neither can the Commission so to spend a lot of time advocating that I think might be wasted time right now. There was a bill that was put forth this session and I think it got shot down to do something like that so that's just an aside. It probably is the right solution but the other thing I would say is I don't think there's the political will on the part of the Commission to restrict the non-commercial anglers right now so I think this really all comes down to boats and versus wade anglers and limiting the growth of commercial use. I heard a few people specifically propose, both you guys, ideas for commercial use. I think you need to spend more time on that because there's a lot of nuance if that's the direction we're going to go it's not a really simple thing. I don't think or an easy solution and several of you didn't really mention it and in my view those are the two things. Good luck. Thank you.

Dan Larson: Hi I'm Dan Larson. I'm one of the owners and managing partner for the Madison Valley Ranch which is a fly fishing lodge located over here on the Channel section in Jack Creek. We've been working with FWP on the lower Jack Creek restoration project. Phase 1 last year for 2 coming up. We've been in business for 20 some years. I've been managing the business for 15 years. I'm over a 20 year resident of Montana, fishing the Madison. I wade fish, I float fish, I do it myself, I do it commercially with our guides. We're not an outfitter, we contract with outfitters to provide our guides and many of the people here probably have guided our guests. A couple of observations, one, we've grown and matured our business and part of that is we have 60 to 70% of our guests are return guests every year. So the satisfaction of the experience on the Madison River is extremely high and they're booking with us as they leave. And partly because they like the guides, they like the people, they like the environment. That

also you've heard about the economic importance of the fishing industry to Ennis. I think it's huge. Businesses like ours and others that would be negatively impacted. My final point that I want to make in this very limited time is just about some of the proposals to limit access to the channel section from town down to the lake by any water craft other than a personal kayak or something. As a land owner there I say great we can go and access it. We're right next to the fishing access site. We can walk down there but that's selfish and I don't think is really in the interest of the fishery. One it closes off a section of river and forces people to go elsewhere. Two it forecloses our guests, myself, from being able to fish most of that section because you're not going to walk two or three miles in the middle of the Madison River safely. I couldn't take my wife and daughter to float down that section and then get out and fish under that regulation and I don't see any of that being in your interest of trying to spread things out. We're actually working with our outfitters and guides to try to encourage more usage in the areas that aren't as highly impacted and that's one of them. And I've fished that a lot. There's no conflict. You'll see a few boats and you'll see a few wade fishermen and that's it. My times up. Thank you.

John Samson: My name is John Samson. I've been a outfitter on the Madison River for 25 years. I'm in the final stages of a two year project to build a brand new fly fishing lodge just upstream of Varney Bridge on the east side of the river called the Madison Double R. We're set to open June of this coming June. Over the last two years we've employed all local people within a 20 mile radius of here and injecting six million dollars into the Ennis economy. When the lodge is finished we will be community minded. We will be conservation minded. We will have 40 employees plus or minus that will work for us that are Ennis residents, almost all of them. They will be using their income to pay tuition, to raise their families, to pay mortgages. These are things that matter to the people in the area. Nobody cares as much as, everybody cares in this room equally about the Madison River, that's why we're all here but we care tremendously about the sustainability and long term success of the Madison River. Might I say that what concerns me most is that, as I listen to some of the things that are coming out of this Committee, that we need to look beyond ourselves and we need to concentrate on the Madison River and what's best for the Madison River as a whole. And when I hear with all due respect that you want to restrict access to the portion of the Madison River where your lodge exists, I own 646 ranch on the Madison River. I would never dream of such a thing and I applaud Dan Larson for what he just said. And when I hear that the Madison River Foundation who's directors and donors are influenced through policy and so many of them are landowners from Quake Lake down to Lions Bridge say that we want to restrict access. I say how in the world could you do that. Washington and Kennedy tried to do that over on the Ruby River. It went to the Montana State Supreme Court and it got shot down. It's incredible waste of time to try to restrict access on the Madison River. We need to take the 50 miles we have, we need to take this opportunity, we need to do something really wise and think beyond ourselves.

Eileen Ryce: Anyone else?

Brian McGeehan: I'm Brian McGeehan, I want to piggy back on a few comments related to efforts to close major portions of the river and probably the most contested target for that are the wade (unintelligible) sections. You know this is a very, very large river. There's a very small window between the high water mark and the low water is. Most of the river has heavy current and large substream. To take advantage of the Montana Stream Access Law in these sections is, only gets you so far and you're either trying to, going downstream is sometimes easy because you can walk but getting back is a different story in the heavy current. In the upper wade sections the boulders are giant, their slippery, their very, very difficult to legally use the Montana Stream Access Law (unintelligible). So I wanted to share some if that will be good to visualize what this impact will be so I've provided printouts of Montana Cadastral maps for the entire, each area of the wade section and going through the, because when you're wading you can't really cross the river very often so I did a left bank and a right bank just to share with you as a resource in our discussions. If we look at total bank mileage eliminating boats as a tool to access the wade area we'd eliminate about 15.5 miles to the public. It adds up to about 55% of the entire wade section would be essentially privatized. If you eliminate both of those as a tool. Please keep in mind that in the wade section currently there is no float fishing. You cannot fish from the boats. Boats are simply, there an alternative to walking and in a lot of areas there are big bulletin boards and no trespassing signs, and some of them are eight feet across discouraging anybody from walking on the banks on those private lands so. I just really want to make sure you understand the repercussions and that's going to displace all these anglers that were trying to you know spreading people out (unintelligible). It reduces the sense of crowding and of course it's public access on a national treasure as Joe said so there's a lot of these and I encourage you to, I'll leave them here and this is all public record on Montana Cadastral. Thank you very much.

Katie ?: Hi I'm Katie (unintelligible) the Executive Director over at the Ennis Chamber of Commerce. At the Chamber we just wanted to express our concern again about our business community feeling that they're not represented on the panel. We definitely think this is a concern for our business community because most of them haven't been reached out to and concerned about this. We just ask and encourage the Committee to reach out to businesses individually that possibly they represent. I would gladly get in touch with you with their concerns as well. We can definitely let people know that they can leave comments with us and the proper steps to leave comments for you guys as well. And that's all we have.

Eileen Ryce: Who else wants to give a comment?

John Way: Hey guys. My name is John Way and I want to talk to you a little bit about a few of the untended consequences that are going on. For part of my life I sit as the Chairmen of Montana Board of Outfitters and in recent months we've had a rush from every fishing guide in the State to become and outfitter. More than we've ever seen especially in the last three months and all of them are saying they're doing this to get their foot in on the Madison before they're any changes for possible allocation going forward so that's one intending

consequence of just this group. A second happened Monday or Tuesday, a good guest of mine who comes every year six people stay in hotels and eats at restaurants, called up and saw that story in the Bozeman Chronicle that got picked up on (unintelligible) or one of the blogs and his question was doesn't Ennis want our business anymore and he's a Texas guy and he's kind of brash and I talked to him and he ended up booking again for six guys for a week of fishing which is a pretty big hit for our town. You know six hotel rooms, six meals three times a day and three guides for a week and he was concerned just by reading that one article so just two unintended consequences of just what's going on here in this group and the severity of all the decision that you're making. Thank you.

Eileen Ryce:               The gentlemen in the green sweater do you want to?

Jim Wilson:               My name is Jim Wilson. I live on the Upper Madison and had a small (unintelligible) here, cut here down. All this talk about wading in and all this stuff and I think the biggest issue to me, we talk so much about the economy, obviously everybody needs a job, everybody all this stuff, and we rarely talk about the fish. We don't have the fish this place doesn't exist. Doesn't exist. The Madison is all about the fish. This is all about, I get it and everyone needs a gig and that's it but my issue here is with the data collected by the FWP concerning the fish count in the river. The latest report I read which was widely distributed says and I quote, recent electro fishing estimates indicate populations of trout in the Madison River are at all-time highs. All-times highs. I don't believe it, okay, I don't believe it for a minute. In the past three years I have gone to over 50 fishermen avid fishermen up and down this valley. Not upper not lower, everywhere who fished this river as early as the 1960's and not a man or a woman agreed with, would agree with that. I've heard story after story about how they used to catch 30, 40, 50 fish a day. If the fish counts are all-time highs then why do I hear the guys from day to day that they're happy if they got 4 in a boat and maybe one or two 16 or over. FWP continues in their article quote, reduced catch rates are not related to number of fish. That's impossible. If there are no fish you can't catch one. It's absurd. Reduced catch rates are not related to the number of fish. I don't get it. You can't do that. About a year ago I found out that the North Western Energy which owns and operates the two hydro-electric dams at Hebgen and Ennis Lake actually pays for the data to be collected. They pay the FWP to shock the fish several times a year, count what they collect and report back. This data goes from FWP to North Western Energy which publishes the findings. They have been funding this research since 1990 so basically North Western Energy polices its own water and I think you, if you care about this river and you care about the fish in this river you should have an independent source do this not North Western Energy. North Western Energy plays a vital role in the health of this river by its management of water temperatures, flow rates, which can greatly affect the rivers eco system. It behooves North Western to report the fish counts are at all-time highs but no one questions these numbers. I would ask that North Western Energy for the sake of the health of this river contract with an independent research group to conduct future of fish counts and the independent group didn't want to publish its findings. It's pretty astounding but the world I came from you don't



police your own waters and I think to everybody here it is archaic as can be. I live on the river, I video tape each time the guys come by, they work their butts off but they touch a very little piece of this river and I don't think you have a clue about the climate and what is happening to this fish in this river. I don't think there's as many fish as there were 40, 50 years ago. I don't believe it. I fish all the time, fished since I was five, I'm not just a pretender here. So everybody who thinks its 8 million fish an inch that's not true guys. I wish you all the best but I think you better address the fish.

Eileen Ryce:                    Anyone else want to make a comment? (unintelligible)

Jim Kramer:                    My name is Jim Kramer. I'm a resident in Ennis. I'm a retired scientist and (unintelligible) addressed this some about old and lack of boats in the wade sections. And I'd like to address the lower river where lack of guides to boating whatever that long distance is. Like I do it in the day (unintelligible). A lot of people addressed the issues in Ennis so I'd like to talk just a little bit about the science issue, one is I heard a lot of concerns today expressed. Concerns based on data are technical issues and can be address by targeted technical responses. Concerns that are based on anything but science data based issues are social science, and (unintelligible) addressed. I think maybe about education both about what the data is and what can or can't be done to the river. And the last think I want to address I heard some comments about tipping points and tipping points basically there was a theory developed in and for Houston's social sciences, it related to how populations believe, behave and are related to sudden changes in the baseline belief of a group of people so my favorite example is that is if the guys all tell everybody they caught five fish and all of a sudden they start telling everybody that they caught 10 fish, they get to a tipping point and suddenly 10 fish is the new number everybody uses. We all exaggerate about our fishing. Natural source, natural (unintelligible) over the years are very robust, they're usually very cyclical and they usually return to the data point somewhere (unintelligible), they don't just keep going up, they don't just keep going down (unintelligible). It's way to sensitive.

Eileen Ryce:                    Anyone else?

Chris ? :                        My name is Chris ?. So I'm guiding on the Madison River for I guess 18 years now and I (unintelligible) most everybody in this area. Number one I applaud you guys this is tough. This is very hard your thoughts were all over the place. What I think is very important is that the Madison is becoming more crowded in general. Bozeman's growing, the State's growing, (unintelligible) busy so we have to regulate it. I do not think the outfitters and guides should be the only way that we just start enforce on the Madison. I think the Grey Cliff to I-90 stretch there's not that many fish down there I've (unintelligible) a ton, I don't see why we would ever limit that to float fishing. I think the whole river should be open to floating. That's my opinion or we leave it as is. But anyways good luck.

Danica Lewis: My name is Danica Lewis and I'm a business owner here in town. I own Black Diamond Estate Services. I also happen to be the President of the Board of Directors for the Ennis Chamber of Commerce. I am here today to represent myself individually but I also have an interest knowing a lot of what's going on with the business owners here in town and the impact that it's had on people. I also want to echo the words spoken by Chris Genry. I implore this Board, or this Committee to please do an impact study on what that's going to mean economically for the businesses here in town. I'm a property manager, I take care of vacation rentals, vacation homes, that would greatly affect my business. My business is not river based but every single business in this town is river based. Aside from the business aspect of it I also want to implore this Committee to continue to use discretion. There've been some comments made publically made by certain people on this Committee that I feel don't represent an attitude of playing a fair game and playing (unintelligible) with everybody and I think that if you're putting into public position it's important to continue to take all sides, all aspects, work fairly, do your best. You've taken an oath and so as a personal individual opinion I would really like to see that there's discretion used in anything that's going on here, anything that's said here and how that's represented. Thank you.

Mike Treloar: My name is Mike Treloar an Ennis outfitter. I'm going to go over a little bit of data from FWP it's on this graph that was dispersed to us. It's got the blue line and the red line. This graph will tell you 2016 there was 179,000 total angler days. 20,018 of those were outfitted. That comes out to 11.2% commercial, 88.8% non-commercial. 2017, 207,000 total angler days. 19,662 commercial, 9.5% commercial, 90.5% non-commercial. When I as an outfitter read that I'm like why in the hell am I in the discussion okay, and then I come down a little bit and I talk to the other outfitters and there's this big blue line up here that's non-commercial use. There's your, it's hard to see, sorry if I had a (unintelligible) to put it up on I would. I talked to other outfitters and maybe even all of them, a lot of them said we can make some concessions. I hear them say if we have to make a concession then what are you guys going to do with the public. They need to made a concession. It can't just be the outfitters and guides. And so I know the Commission is very anti-working on the public but if they don't it's not going to be a good thing. Thank you.

Eileen Ryce: I'm trying to get a show of hands who still needs to go just so I have an idea.

Unidentified Speaker: Everything of mine was covered.

Unidentified Speaker: There's one in the back there.

Eileen Ryce: Five okay

Unidentified Speaker: I have a quick question will there be a comment period tomorrow as well?

Eileen Ryce: Yes there is at 4:30 and you can also go on line so those of you who didn't quite make with your two minutes remember if you want to add additional comments you can go on line and post those.

Mark Deleray: All of these meeting (unintelligible) today, tomorrow, and the rest of them will have a half an hour comment period at the end of each day.

Lisa Carruthers: My name is Lisa Carruthers. I manage Lake Shore Lodge and MacAllister Inn Lodging which is tied to the MacAllister Steak House which is tied to the Lost Heart Ranch which provides the beef that people eat at MacAllister Steak House. We have an RV Park as well on Ennis Lake. Every decision you're making is affecting every single one of those businesses. (unintelligible) this area is short lived. It's June 15<sup>th</sup> to September 15<sup>th</sup> is when I make my entire year. And if you're going to limit access to the river in that time frame I provide services to the guides, these guides are the only reason that people keep coming back. My business is 90% returns. The reason they are is because they love every one of these guides out here that give them the best day they've ever had. The (unintelligible) go have a beer at the end of the day and half these guys will join them because they're all friends and they do a great job. Tourism has to be represented. It's been ignored. That's who we are. We're tourism. That's what we do and I really feel that an economic impact report has to happen. Because you're going to affect the maid that cleans the rooms, you're going to affect every aspect, you have to look at lodging as a whole and all the different things that I'm pulling from to provide services to every single person in this area and that's about 25 different people that make up one day in some one's life. I'm requesting (unintelligible).

Justin Edge: My name is Justin Edge. I'm a local outfitter, in fact as John mentioned earlier on the unintended consequences of this is new outfitter applicants. I'm one of them. Just got my outfitter's license last week. All I want is the aspirations, my aspirations to be the same as some of the legends like Joe, you know John. I love being a fishing guide and I'm worried about my future. A couple of years ago my now six year old daughter came home with a picture of that day at school they all went around and said what they wanted to be when they grow up, she said she wanted to be a fishing guide and it's not a wise career choice but you relate to me the fact that my daughter who is best friends with his daughter, they're immersed in this river. We love this river, it's our life and to insinuate otherwise is a sucker punch. But moving on the second thing I wanted to say was that in reviewing a lot of other scenarios where river recreation, social conflicts came up across the country, (unintelligible) use, and the underlying themes was that before people started deciding who was distributed where and when as far as user groups was that they identified a carrying capacity. What are we comfortable with, how much use is too much use and I don't think that we've clearly defined what that carrying capacity is. And when you look at, when you read the reviews in all these case studies it's clear that that was a very important factor in all of them was determining first what is the carrying capacity. And second, my last comment is that I'm a little concerned about the wording of urgency in the problem statement. Today there's no data that would suggest that we're at a tipping point, or even that we

know where a tipping point would be or a red line. So I'm not saying that it doesn't exist, I'm saying we don't see it now and so let's not rush or make rash decision just because we think we may be getting there. Thank you for being here and thank you for coming to Ennis.

Eileen Ryce: I think there's one more in the back. Do you have a comment?

Unidentified Speaker: Mine was covered, mine was yeah covered dually

Eileen Ryce: Anyone else? Okay, thank you. Thank you for being cordial. We start at 9:00 (unintelligible)

**END OF MEETING DAY 1.**

**MADISON RIVER NEGOTIATED RULE MAKING COMMITTEE MEETING  
MINUTES FROM MARCH 7, 2019**

Mike Mitchell: Okay are we ready to get rolling. A couple things to get started. First off thanks again to folks from the public that are here I'm seeing some new faces so just to remind everybody that this is a working group and the public is welcome to observe but you won't be interacting with the Committee. You will have an opportunity to provide public comments starting at 4:30 this afternoon. But FWP also has a portal on their web site that if you would like to submit comments at any time you're more than welcome too. The Committee is going to be breaking out into small working groups today and yesterday I was as much a part of the problem as anybody else but what I'm going to ask is there be no talking during those break out groups because it's just, the volume keeps increasing and it makes it difficult for people to get the work done so I'm going to ask if they're in a small working group situation and you need to talk to somebody by all means go for it but you can go upstairs okay? I'd appreciate that. So two things I'd like just business items I'd like to take care of before we get going I think number 1 is we got some answers from Becky to the questions the Committee has had and she had submitted some written answers and I believe she's also going to join us by phone.

Don Skaar: Yep.

Mike Mitchell: So Sarah do you have those answers

Sarah Sells: Yes

Mike Mitchell: Let's go ahead and put those on the screen.

Don Skaar: Yeah that's not an answer.

Sarah Sells: Okay

Don Skaar: Yeah, so I'll just give a little background on this. I kind of tried to collect all the questions people had and sent them to her and they may not have, maybe in translation, got to her in (unintelligible) context so she tried to address them as she can so the thought was we'll just put these up kind of in chunks and just have you read them one at a time and we'll have her on the phone and then you can just ask a question. If you see your question up there and you don't think it got answered properly or that she kind of was on the mark then we can have her talk about that so I will get her on the phone here.

Becky Dockter: Hi this is Becky.

Don Skaar: Hey, this is Don.

Becky Dockter: Hi Don I can barely hear you.

Don Skaar: Okay,

Mike Mitchell: Is the recorder on Don?

Becky Dockter: If you're talking I can't hear you at all.

Julie Eaton: Because it's plugged in

Don Skaar: Well that's the speaker, let's see, so I guess the microphone is from here, can you hear me now Becky?

Becky Dockter: Are you still out there I'm not hearing anything now.

**COMMITTEE TALKING AT ONCE TRYING TO GET THE SPEAKER TO WORK ON THE PHONE**

Don Skaar: I wonder if we need to call

Mike Mitchell: Oh, Don could you maybe, if you talked into the speaker feeder here?

Don Skaar: That's just a microphone or that's just a speaker phone.

Becky Dockter: Now I can hear you.

Don Skaar: Hey Julie would you say something for us?

Julie Eaton: Good morning.

Becky Dockter: Good morning.

Don Skaar: Oh you could hear that?

Becky Dockter: I hear that.

Don Skaar: Okay

Michael Bias: Oh great.

Don Skaar: I turned up the volume as much as possible (unintelligible). Can you grab me one of those coffee cups there I'll put it up on a coffee cup. I'm putting the speaker up on a coffee cup here Becky. Still hear us okay?

Julie Eaton: Now it's back on the phone.

Don Skaar: Can you hear us?

Becky Dockter: I can now yep.

Don Skaar: Okay how about now Becky?

Michael Bias: I'm not sure that's a surge protector Don.

Don Skaar: Oh, yeah that doesn't seem to be drawing anything does it?

Michael Bias: Something plugged into it I'm not getting any charge.

Becky Dockter: Don it went silent on your end.

Julie Eaton: We're having technical difficulties.

Mike Mitchell: Technology makes our lives easier right? That's how it works?

Don Skaar: Are you hooked up there? Becky?

Lauren Wittorp: Can you have her call you back?

Don Skaar: Becky? (unintelligible) deal with it. Becky can you hear? Becky?

Sarah Sells: Yeah this is connected.

Don Skaar: Becky?

Sarah Sells: I think if she calls you back it might (unintelligible).

Don Skaar: We can try the speaker on the phone. I'll see if that works. Oh, there you are? Okay you there?

Becky Dockter: Yep

Don Skaar: My little portable speaker doesn't seem to working very well so for now we'll try just on the speaker on the phone. We'll see how that works.

Becky Dockter: So stay on this phone?

Don Skaar: Yeah. Well you were anyway weren't you?

Becky Dockter: Yeah

Don Skaar: So we've got the first, we've got number one up there on the screen about the best available data. I think that may have been Charlotte's question.

Charlotte Cleveland: My only question is in her description it's in the Committee's discretion or is in the Committee Members discretion to discount it or give it the weight?

Becky Dockter: It is in the, the way I answered it was from the Committee's discretion.

Charlotte Cleveland: So the entire Committee has to agree the data, if it's no longer useful can no longer be used?

Becky Dockter: Well so again it depends on what you're talking about and I think a lot of these questions will. The responses will depend on what they're talking about. You in your decision can determine what you in your own mind want to give credibility to or not and you get to decide based upon your experience and understanding and what you believe the credibility is of whatever data it is you're talking about. If the Committee wants to take up the question as to whether or not we discount some data or not that is another option and then you give it whatever consideration the Committee wants to give it so I think it depends on how you plan on proceeding with any individual piece of data. Now best available, what I, I don't see the best as contributing to data meaning best data is not necessary. Best available data is so whatever you have available that is the best available data you can use. You can give whatever weight to it that you decide to give to it. Somebody are on that same question or on that same statement another question about the residency, I don't know the actual background of where that came from, I could find that out but that would take me a lot more time but what I was able to do is just give you an example taking it out of its context because it's always good to keep it out of the context in order to understand it and using an AIS example to illustrate what I believe that statement meant.

Don Skaar: Any other questions on that?

Charlotte Cleveland: Can I ask her?

Don Skaar: Oh you bet, absolutely.

Charlotte Cleveland: I'm looking at 12-11-410-7 if that helps.

Becky Dockter: Let me get there. 410-7

Charlotte Cleveland: 12-11-410 section 7

Becky Dockter: Yep

Charlotte Cleveland: Okay so my question had to do with not discriminating against a particular residents or non-residents, using, unless the Commission determines the best available data indicates that the amount of use by residents, non-residents is a primary contributor to an identified problem.

Becky Dockter: Are you, I'm not understanding what the question is then.

Charlotte Cleveland: Okay, I guess I wanted to be sure what the best available data in this particular statute is, that's the answer you've given us, number 1 so that when it says unless the Commission and we're supposed to put our Committee in here for Commission.

Becky Dockter: Oh, I see what you're asking. So these river recreation management plans and rules are, many of them are guidelines. Some of them have specifics about what is required but this one in particular is the Commission has to determine the best available data. But



understanding that when you as a Committee are suggesting a rule to the Commission they are going to have to make this assessment if you've made it for them and you believe the data, best available data is whatever you have in front of you, you will have a more credible rule to suggest to the Commission because you've already done that assessment. So if you discount something in the opposite circumstance you discount something that the Commission might believe is good information to take into consideration it might then discount the rule that you come up with because you haven't used the available data that they would believe best available data. So while this isn't your requirement it is something to keep in mind when you're suggesting and using or discounting data that could or may not be available. Does that answer your question?

Charlotte Cleveland: Yes, thank you.

Becky Dockter: You're welcome.

Don Skaar: Okay go down to the next one. Okay now folks are reading number 2 here.

Becky Dockter: Did you just ask a question that I missed?

Don Skaar: No we just scrolled down and we're now looking at number 2.

Becky Dockter: Okay. Sorry I'm a little worried I'm going to miss something now because we had technical difficulties earlier.

Charlotte Cleveland: That rule is not the rule. 12-11-405-9 talks about management plans need to provide opportunities for river service providers to compete for the business of paying customers. Management processes should encourage viable and diverse types of commercial services. I'm sorry I'm looking at 12-11-405-9.

Becky Dockter: Yep I'm there.

Charlotte Cleveland: Okay, the second sentence and the third sentence.

Becky Dockter: Yep management plans need to provide

Charlotte Cleveland: opportunities right.

Becky Dockter: Yes so what it was trying to say in this is that this entire section 405, 12-11-405 is a policy statement concerning river recreational rules and whenever you see policy statement or purpose statement they are to guide the establishment of management plan. So this is one sentence to be considered in a whole broad category of policy considerations. It even talks about like for example on number 5 further the general premise of these rules is that if it becomes necessary to manage use on the river. So my response to number 2 was to say it's really difficult to take one sentence out of an entire 10 subparts with multiple sentences and apply it to one situation and analyze that. They are, management processes should encourage, I

mean they're really guide lines to apply to all of these and sometimes you have to weigh in some circumstances one policy statement of over the other apply the situation and determine whether or not you really can be completely adherence to each one of these. I think it would be difficult to adhere to every single one of these statement in every single circumstance that you're going to encounter when making potential rules. Does that make sense?

Charlotte Cleveland: Yes, thank you.

Becky Dockter: You're welcome.

Don Skaar: Okay

Becky Dockter: In contrast you will come across in other parts of rules where it's very specific about what you have to do or not have to do and these are not those. These are policy statements that are generally guidelines.

Don Skaar: Okay let's move on to number 3 and someone was, I'm not sure who's question, maybe it was Melissa's about consensus.

Julie Eaton: I was talking about it

Don Skaar: Okay

Julie Eaton: Did you (unintelligible), I don't know?

Don Skaar: I seem to recall the question was, was it just actually votes on like accepting an alternative or a Committee member requiring consensus or

Julie Eaton: So what I was thinking is not the definition of consensus, I think we're clear on that but what I don't think we're clear on and having stated is the application of how we are going to follow through with that.

Becky Dockter: That's what I understood as well in the question. I think I was trying to answer, and what I did answer before was that it's kind of up to the Committee

Julie Eaton: Right

Becky Dockter: that in the rule itself it give a preference for consensus but that for any individual or the whole process if you decide you want to do votes or you want to do majority or you want to do another process altogether you can decide that but the question as I saw it specifically was whether or not in order to make a decision to do another process whether or not the whole Committee has to agree to another process. It's my opinion that since there's a preference in the rules to do by consensus that if you decide to do another process the whole Committee would have to agree to another process.

Julie Eaton: Thank you I think that's clear and I think we all know to do that.

Don Skaar: Okay, number 4, move on to number 4 and I'm pretty sure this was Scott that brought this up the last one the question of when, I think you pointed out that in the river rec rules it talked the issue of treating residents and non-residents different than and it was a little unclear exactly what circumstances you could do that but maybe I'll let you explain it if you want.

Scott Vollmer: Well not really because I think we just talked about that with Charlotte asking that question about which number I think it's gone now, number 1 up on the screen so I think that one's been covered. Am I incorrect in that?

Charlotte Cleveland: Question number 1 was 12-11-410 number 7 which talks about the fact that you can't, management rules and plans may not differentiate based solely on the residency of the river user unless the Commission determines the best available data indicate that the amount of use by residents or non-residents is a primary contributor to an identified problem. I think we solved that one, that's something the Commissioner has to decide.

Becky Dockter: Yeah and I think what I was, see there was a question by Scott also that requested the example and I tried to give an example of where, a residency might be the actual primary contributor to the identified problem or it's at least the best way to determine that the, where the primary problem is coming from and so that's what I attempted there but Montanan versus non-Montanans even outside of that circumstance that you're talking about you will be at some time tempted to, it's tempting to go to Montana vs non-Montana, non-residents versus residents. The agency in particular has legitimate reasons to treat residents differently. Primary example is fee structures and charging but without, as a general rule, we look at the impact of the user and I think that's what that statement was trying to get at. You look at the impact of the user rather than their place of origin because the place of origin could be completely irrelevant in those cases. The example up above, I tried to give that example of how it is relevant where they're coming from in a circumstance of AIS and those recreational lakes that are infected with muscles and then we know that they may need to be decontaminated just knowing where they're coming from. But for your purpose there, it's a higher bar that we saw in that statement for the best available data that gives them, I can't remember exactly what it says off the top of my head but, yeah.

Don Skaar: So Becky what would be the general rationale then for our current practice of restricting numbers of non-resident hunting licenses?

Becky Dockter: That's by statute, that's the not the agency doing it, it was the legislature that restricts non-residents in that way so that's a whole different question because if they are challenged they don't have the same, if the law is challenged it just has to be constitutional and that's never been challenged. There is Supreme Court, US Supreme Court case law that suggest that agency, actually it doesn't suggest it, it's very direct that we can treat residents and non-residents differently and that's not a matter of the equal protection clause or the commerce clause

violation and so that's been very well handled already in US Supreme Court law. This circumstance is different because again we're not talking about, here we're talking about the impact of something and trying to manage for an impact and then to just define the impact, impacting users as coming from a certain place that could be arbitrary and capricious and not allowed by law. So that's why we look at the impact of the user and not where they come from unless like in my example there really is a legitimate reason why you look at where they're coming from because the impact on the resource is literally coming from that specific locale.

Mark Odegard: This is Mark Odegard, as I understand it there are rules on the Big Hole that restrict non-residents from fishing at the same time as residents. I think Mike Bias over here talked about that so that seems to violate that.

Michael Bias: Right.

Becky Dockter: I'm not sure I understood what, you're kind of going in and out as you're talking in my speaker so I didn't get the gist of what you were saying.

Mark Odegard: Well maybe Mike can explain it,

Mike Mitchell: Well you go ahead and ask your question and then hand it over to Mike.

Mark Odegard: As I understand it on the Big Hole River there are restrictions on certain days that non-residents can't fish and residents can, that seems to violate what you just said.

Becky Dockter: So I'm not aware of that restriction. That doesn't mean it isn't there I'm just saying I'm not aware of it. So I could get back to you on that one.

Mark Odegard: Maybe Mike can comment.

Mike Mitchell: Did everybody hear what she said, I'm sorry, I didn't put this back in the center. Everybody hear it?

Michael Bias: Yeah

Mike Mitchell: Okay Mike did you want to weigh in?

Michael Bias: Just that yeah that would be great because on the Big Hole they call it Citizen's Day or some name but it, if you're a non-resident you cannot fish certain reaches of the Big Hole on certain days and it was talked about to maybe look at some of those types of regulations on the Madison in our Committee here and it would be great if you could look at that with regard to what we're looking to do.

Becky Dockter: I will look at that.

Mike Mitchell: Everybody hear that?

Don Skaar: Okay go down to 5 there Sarah.

Sarah Sells: Okay

Julie Eaton: So Becky, I'm looking at 2-5-108 and number 5.

Becky Dockter: Okay, let me get there 2-5 you're looking at a statute now?

Julie Eaton: Yep 2-5-108 number 5 yes

Becky Dockter: Okay I'm here yep.

Julie Eaton: So this actually goes back to what we were talking about earlier on consensus. The question really isn't about the definition but it's about our application of it that we never decided so this one says, Negotiated Rule Making Committee does not reach a consensus on a proposed rule, the Committee shall transmit to the agency a report specifying areas in which the Committee reached consensus and issues that remain undissolved. The Committee may include in the report any other information, recommendations or materials that Committee considers appropriate. Any member of the Committee include as an addendum to the report additional information. Actually that's not exactly it but again I think we understand the definition we have not as a group decided on our application we just did something one day and that became our definition.

Becky Dockter: I think where I was responding to was either a question about secret voting and need transparency

Julie Eaton: Yeah exactly

Becky Dockter: Yeah that's right that's where it stem from.

Julie Eaton: And there was a discussion about how can you be transparent if we have, how do we know where the other Committee members stand on issue and thereby discuss their concerns to Negotiate to a solution. I think that's a valid point but don't see that in the law that it requires that there be specific vote to specific, I think, let me say it this way, I think you can still do secret vote and still get to a consensus but you'd have to trust that the person who knows the vote is saying yep consensus if what I'm hearing you say, I think I'm right with this that you're saying you're not sure if we said even one person abstaining or voting no or yes whichever way, if everyone else votes one way and only one person votes the other is that still consensus. You haven't defined that yet in your Committee and therefore how will you know whether or not you've gotten to consensus. But that I think is work that you just need to do with your Committee. There's not really any identification in this rule or the statute I should say whether or not you need to take a vote even I mean you know what I've seen done before I haven't actually had the pleasure of seeing Mike Mitchell work with this but I have seen before in other similar processes is where you talk about an issue you all can agree to live with what you've put

down in writing and nobody objects so you move on. And that's not really a vote, it's not really saying yes I can live with it it's just you don't object, you can move past it, you can be, you can acknowledge that it's going to be part of the report. So it, I think so much of this will become illuminated once you actually get down to substance of your discussion. I wonder whether or not getting mired down into these really specific questions right now is really just making you swirl and not really able to focus on anything else. So I'm wondering if perhaps once you get to substantive discussions on these topics these things will become a little bit more clear through the process that Mike Mitchell is implementing and also just, you know you'll have a specific example and then also you might have other questions that come up as well. So I guess at some point I hope you get to some substance so that these things are a little more clear on how they will work out.

Julie Eaton: Yeah thank you for that Becky actually the consensus in this transparency were not a legal issue that I was asking so I apologize that you had to go through all that. It's

Becky Dockter: Well thank you for saying that I appreciate that as well and I don't mind answering or weighing in at all in any

Julie Eaton: Yeah

Becky Dockter: of this but maybe the process is better if I weigh out, if I'm not weighing in sometimes as well so I appreciate your comment on that.

Julie Eaton: Thank you yeah, we have to decide on our application specifically, so you're right it did stem from the vote. We didn't agree on that process so that's where the question remains not in the legality but I appreciate it thank you.

Don Skaar: I think that's the last one isn't it Sarah?

Sarah Sells: Yeah there's more e-mail exchange below do you want to see any of that?

Don Skaar: Okay, and we also told Becky about a couple of other issues that came up yesterday she's prepared to discuss and one of them was the stream access law questions. And Mike I'll let you ask her that yourself directly if you want to.

Michael Bias: Yeah, so we had a question yesterday about, well it was in regard to, perhaps one of the alternatives we're going to impose and that's closing a reach of the river to access for fishing by boat or any kind of vessel and my concern was that this would or could violate Montana's stream access law and that effectively the State is restricting or prohibiting access to an area of river that was previously legally accessible. So that's the question that if we say no fishing or no access to a river from a boat for fishing is that a violation of the stream access law. That's the question.

Becky Dockter: Yeah I appreciate that question very much, we have, you probably were told, we do this regularly. The Commission does this. What the stream access law does and I'm frantically trying to flip through to find my statute right now. It refers to in subsection, well it's 23-2-, just in can you want to look and it seems like you all are really good at actually looking at the law and the way that you are supposed to be thinking about these things so I'll give you the statute site in case you want to look at it, 23-2-302 and that's one section of code. We needed a stream access law, that part is called recreational use of streams, and that section under subsection 5 talks about, it requires the Commission to adopt rules pursuant to and other statute which is 87-1-303 in the interest of public health, public safety or the protection of public and private property, governing recreational use of class I and II waters and then it gives some parameters for the rules that aren't really relevant here but when you look at 87-1-303 it is the Commission's authority for the adopting and enforcing rules governing recreational uses of all public fishing reservoirs, lakes, river, and streams that are legally accessible to the public. So what that does acknowledge within acknowledge the stream access law and then grants specific statutory authority to the Commission to make rules that deal with public health, public safety, public welfare and the protection of property. And I think you all can think of these rules you're talking about could be housed under public health depending on what they are. Under public safety depending on what they are. Public welfare now that's a really broad term, public welfare can include insuring there's no conflicts between people so it's a really quite broad authority to the Commission to adopt rules to regulate the use of lakes, rivers, streams, and then it even goes so far as to list the things you can, that the Commission, but not limiting them so including but not limited to boating speed regulations, hunt, swimming, hunting, fishing, trapping, boating, operation of motor driven boats, operation of personal watercraft, resolution of conflicts between users of motorized and non-motorized personal watercraft, resolution of conflicts between boats, waterskiing, surfboarding, picnicking, camping, sanitation, use of firearms, and it's not even limited to all of those so it's a really broad and specific grant authority to the Commission to regulate. That's where these rules and the authority for them would be housed under. The stream access law acknowledges and actually requires the Commission to make those rules in order to ensure that there are public, health, safety and the welfare, the protection of property even though we have the right to access our streams in Montana. Sorry that was such a long answer but I wanted you to get all the citations as well so you could look them up if you have some curiosity on your own.

Michael Bias: Awesome thank you.

Melissa Glaser: Becky would it be safe to say that we would need to figure out exactly what problems are regarding welfare, specifics to why there might be issues between people on that stretch of river that might get closed off instead of just saying we're closing it off because there's problems?

Becky Dockter: You know I kind of was only getting half that so I'll try to repeat back what I heard you say which was wouldn't it be safe to say that we should define the problem

specific to health, safety, welfare, protection of property before you actually regulate, is that, am I getting that just right or was that my (unintelligible) protection of that question.

Melissa Glaser: Yes you got that right. Specifically why there might be problems in a certain area that would allow the Commission or give the Commission authority to actually close it off.

Becky Dockter: I do think that this process if I'm, I'm only a little bit (unintelligible) aware of what Mike Mitchell does but I do think most of these processes start with a problem statement, start with defining the problem that you want to fix before you actually fix something that's not a problem. So I think the process is set up that way and the rules require that authority as well. I would encourage you to think pretty broadly though because this authority for public health, safety, welfare, protection of property is very broad. It doesn't have to be so limited to, when you say public health, that there's health concerns with pollution of water for one example. That's very specific and it would definitely be an authority to regulate but you can think of public health and public welfare, public safety as in ensuring that there's no conflict between users, ensuring that there's a satisfied recreational use of that river as opposed to, everyone on the river at the same time and nobody is seeing the stress free, carefree use of the river that you come to expect in Montana. Those are things that we regulate regularly and we believe they fall under that statute. I would encourage you to think that was as well.

Melissa Glaser: Thank you.

Don Skaar: Becky there was one other question that came up and maybe I'll ask Tim to phrase that because he did better job. So we heard this yesterday so we're trying to get an answer for ya.

Tim Aldrich: Becky yesterday during our public comment time frame there were an awful lot of people that specifically mentioned adverse impact, potential adverse impacts on the economy of the area basically, and were really wanting us to think about or actually conduct an economic analysis if you will of that prior to the time that we work through the rule and the environmental assessment that coupled with that. So I guess two questions I guess, one would be is there a provision or is there history of doing an economic analysis prior to the time a rule was made or does that necessarily fall under the Montana Environmental Policy Act where the agency has to examine any economic impacts before they actually sign off on a rule.

Becky Dockter: Yeah thank you for the question just in general there is a requirement under MEPA, the Montana Environmental Policy Act to analyze impacts to the human environment and that's really broad so it does include economic impacts. That is a requirement that we have to comply with any action that the Department takes including this one. In addition and I'm just speaking broadly now, in addition when you adopt rules there is a requirement that there's a small business impact analysis that has to be done. If the rule would significantly and directly impact small businesses and so those are requirements on the agency for specifically



looking at economic impacts but the timing for those would be after a rule is considered. For example the small business impact analysis has to be done prior to the adoption of a proposed rule so in your circumstance that timing would be, and by your I mean the Committee, in the Committee's circumstance that timing would be not now because we don't even know what we'd be looking at for significantly and directly and whether or not it would impact small businesses but we would look at it prior to actually adopt or filing the notice of adoption is that correct, yeah so the proposed one, so the very first filing with the Secretary of state we have to do this economic analysis on it. Now just giving you some context for that, you are prior to even coming up with rule language. So you wouldn't do it now, you wouldn't do it until the Commission would hear it and decide to propose that rule through the Secretary of States process. So legitimately you wouldn't actually look at that economic impact specifically that specific anyway, it's just a directed specific impact until after you come up with your rules and you propose them to the Commission, the Commission said yes we're going to put those out for public comment, we do the economic impact analysis, then we file with the Secretary of State. So the timing for that is kind of a chicken and the egg issue because you don't know what rules you would be adopt, proposing yet so you can't really do an analysis, and so you would have to come at least come up with the rules before you could do any specific analysis but you could certainly keep in mind how they might impact businesses or communities as you're discussing them. It doesn't mean that issue can't be discussed it just means specifically the agency doesn't have requirements by law until you get to the point where you're proposing rules. I'll give you an example if it's helpful in what that analysis is, but again that's the Department or the Commission and the Department's responsibility and not this Committee's responsibility to do. I think the Commission and Tim you can speak up if I'm wrong, just interpreting what I heard, what they wanted to hear from you is what you believed or a reasonable regulations on the river to manage the use. That didn't include analysis of economic impact and that requirement will begin at some point so it won't go without being considered, it just isn't necessarily within your Committee Charter.

Tim Aldrich: Thank you Becky that's exactly the way I understood it and I think that the one thing we've put into our fundamental rules is or fundamental objectives is a statement that talks about this very matter so it's something we're not going to overlook and not have considered prior to the time this gets on up to the Commission.

Becky Dockter: Right

Mike Mitchell: Any other questions for Becky?

Scott Vollmer: Yes. Becky hey this is Scott.

Becky Dockter: Hi Scott.

Scott Vollmer: So I'm assuming in this process and correct me if I'm wrong that whatever rules we come up with will go into, the Commission has the discretion to put them into ARM,

it's not a legislative matter. There is a question that came up yesterday and specifically about the possibility of creating a river permit for the Madison River and whether that legally is able to happen through the desecration of the Commission putting it into ARM or whether it needs to be a legislative action, in other words rationing.

Becky Dockter: Right so that is something we have done by rule. You've already mentioned the Beaverhead Big Hole situation although, I'm trying to think of other circumstances like the Smith River, I think that might actually be by statute

Scott Vollmer: I think that's

Becky Dockter: in that one so the way you usually look at it is to determine whether or not it's within the Commission's authority is to, because it's not going to be, and we already talked about the Commission's authority in this regard, it's not going to be specific. You can permit or ration use on the Madison River and you aren't suggesting that was the case I'm just trying to illustrate what it might say if it were very specific. Very rarely is it very specific for us. There are some but very rarely, most of the time it fits under that statute that I was talking about which was 87-1-303 and the stream access laws which allow the regulation of use for those purposes fishing, hunting, trapping, boating, you know, there might be conflict, all of those and so I believe we would be able to do that if it was proposed through the Committee to do some sort of process that includes permitting I believe it would be allowed under that broad granted authority.

Scott Vollmer: Perfect, thank you very much and a follow up question Becky is current regulations in ARM and especially commercial use regulations and also recreational use regulations is it possible for the Commission to amend and change those as they exist right now without having to go to the recourse of legislative action?

Becky Dockter: Yes actually it is. All of the ones that you just mentioned are Commission authority and we're adopted in the first place by the Commission and can be amended by the Commission.

Scott Vollmer: Perfect then I think the Committee, I sent an e-mail out to you about a month ago and I was asking a specific question about the commercial use rules and I think you answered it perfectly right there and I was asking you about

## **BECKY AND SCOTT TALKING AT SAME TIME**

Scott Vollmer: and I was asking you about allocation and commercial use permits and transferring of days and that would fall under ARM and that is something that, from what I'm hearing from you that the Commission has the discretion to change correct?

Becky Dockter: There are some and this might be a good example Scott where there is a law that requires something that you can't change it, you can't by Administrative Rule and change what the statute says. So if the statute for example says you can't sell individual days

you have to sell your business in total you can't change that by Administrative Rule. What you can do by Administrative Rule is interpret what that means. You can, as long as it's consistent with the statute, I kind of think of it as an umbrella, the statute is an umbrella and the Administrative Rules kind of have to fit underneath those. They can't conflict with them or overturn them completely but they can fit within them by interpreting them or helping, or maybe defining a process. So your example maybe a good example situation where there is a requirement by statute and the Administrative Rule tries to interpret what that means. So you wouldn't be able to completely switch that but you'd be able to tweak it's meaning perhaps so long as it's still consistent.

Scott Vollmer: Okay

Becky Dockter: Does that make sense?

Scott Vollmer: It does and to give you an example and I'm looking at, you don't have to look it up I can read it but 12-14-120 subsection 14 there is an exception in there for Smith River and that exception was made that Smith River permittees can sell lease, rent, or otherwise receive compensation from another person for the opportunity to use client days or allocated units. Is that an exception that could be made for the Madison as well?

Becky Dockter: So I would have to look at this because I do, like I mentioned just recently, the Smith River Act is a law

Scott Vollmer: right

Becky Dockter: and that law they defined may be the reason for the exception and if there's not that same exception on other rules you wouldn't necessarily be able to make that exception so why don't I look specifically at that and get back to you with it.

Scott Vollmer: Sounds good. Thank you.

Becky Dockter: Yes so that was 12-14-120?

Scott Vollmer: Yeah, 120 subsection 14 is the Smith and

Becky Dockter: Okay

Scott Vollmer: specifically the subsection 11 talks to selling the business and transferability of

Becky Dockter: Okay perfect

Scott Vollmer: allocated days.

Becky Dockter: Okay great. Thank you.

Scott Vollmer: Thank you Becky.

Becky Dockter: You're welcome.

Mike Mitchell: Other things for Becky? Becky I think the take home for you is that you were told that you were perfect.

Becky Dockter: Oh you know what I tell my son all the time? Nobody's perfect. Everyone makes mistakes so I'll take that within that context so thank you.

Mike Mitchell: Okay, well so the Committee have nothing else for Becky? We'll go ahead and let you go and if other questions come up we'll be in touch.

Becky Dockter: Okay great thanks a lot.

Mike Mitchell: Thank you Becky.

Becky Dockter: Take care.

Don Skaar:

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Okay any further discussion on, (unintelligible), was further discussion on your discussions with Becky or are we ready to move on? Ready to move on? On the Alamo. Okay, the next order of business is there was some discussion yesterday about coming up with rules of the road for the Committee and so rules for the previous Committee were circulated and so what we're going to do is we're going to put a very high tech, so this is not a Word document that we're able to edit so we'll need to keep careful notes but if you wanted to go through one by one on their rules and decide whether that's a rule you want to adopt. Does that seem reasonable? So what's the first one? Any discussion on this one? Other than obvious thing like this isn't Livingston.

Tim Aldrich: By statute you know we have a very specific process through which we put this Committee together

Julie Eaton: Yeah

Tim Aldrich: and it does achieve the, strives to achieve exactly what it says there the following interest there that it applies and I don't see anything to mess with this personally.

Julie Eaton: Yeah no that, we can just say if everyone agrees that as determined by Negotiated Rule Making Committee rule. Yeah, I'm

Mike Mitchell: Everybody okay with that? Mark were you okay with that?

Mark Odegard: Um hmm. I don't think it applies to much.

Mike Mitchell: Okay, so membership we've got so, go down to the next one. Are there any things in here?

### **COMMITTEE TALKING AT SAME TIME**

Melissa Glaser: On number C is something that the NRC is allowed to do, whatever the rules are from the actual act, we haven't yet (unintelligible). I think that's what that saying that we would invite somebody in to give more information. (unintelligible), if we're allowed to do that I don't **(HAVING VERY HARD TIME HEARING MELISSA)**

Scott Vollmer: I agree with you Melissa on that is if there's someone out there that we could bring in to give us some information then we should do it.

Julie Eaton: I agree with that as well, what about A?

Melissa Glaser: I think it's pretty straight forward.

Julie Eaton: (unintelligible)

Tim Aldrich: I think that's why we see our facilitator sometimes asking us personal did you have a problem with this to make sure there's

Julie Eaton: So there's no

Tim Aldrich: Yeah, if you're not sounding off he's probably going to ask you, you know, if you have something to add here.

Julie Eaton: Then we're following that. Are you saying not write it down just assume there's something?

Michael Bias: (unintelligible)

Mike Mitchell: What's that?

Michael Bias: We're limited as to five sentences.

Mike Mitchell: That's just stories right, that's just stories.

Michael Bias: oh okay

Melissa Glaser: And D I think the second sentence we could revise to just show that there's public comment at the end of each meeting or incorporated into a day, instead of the individuals may request time, but we have allotted time for them.

Mark Odegard: I don't see any problem with requesting time, we don't need to grant it right? And if they do request it they'd have to list what specifically they want to discuss and we could limit them in time.

Don Skaar: I think it's good to mention though that we do have that time provided though at the end of every meeting, I mean that isn't captured here.

Tim Aldrich: I think the other thing that comes to mind for me and that is once this gets into the rule process and the Secretary of State, they're hearings and (unintelligible) got to schedule (unintelligible) to deal with these things before they ever are decided.

Michael Bias: Yes I agree with that, however if we can head off by inviting people in and having them speak publically here before it even gets to that almost final often perceived as not even listened to stage in the process I think it's good for us to do that. I personally I think our half hour of public comment period is to short. We should, I think we should incorporate as much public comment now as we can to head off any issues down the line.

Tim Aldrich: Well they also on the website they have the opportunity for people to comment there too so it's not like there's a void out there (unintelligible)

Michael Bias: I'm not saying there's a void I'm saying we need to just give them all the opportunity we can while we're hearing this.

Tim Aldrich: And I think the other side is we see how much time it takes us to go through the processes that we're going through and I hate, I'm not sure that, and the larger population is important as well. We don't do that at our meetings. I think the more we encourage the people that want to make comments in our time that's allowed for each meeting to stay focused on what we're working on right now. What we just said and what we agreed upon or whatever, that would really help us a lot, I can see what you're thinking about Mike, but there is some good reasons for having that time, but the minutes used to point on with the kind of things we're actually working with at that time is so important. Take advantage of the time you have and take advantage of the local people like we have here with people from the Ennis area.

Michael Bias: I agree.

Julie Eaton: I just want to comment, all this is, is to show that we, not oh, we talked about it at that first meeting didn't we, and then you have to go back through the transcripts oh, yeah we did talk about it. All this is, is to have a map that says okay there's a question, yes we talked about it, yes we decided that, yes those are the rules that we said yes or no to. That whether it's this or something else that we decide, as I said yesterday this was the second thing that Becky said that we should do after we nominated our facilitator was come up with our rules of the road. So

Mike Mitchell: Keep going down or is there anything else on the screen folks would like to talk about?

Tim Aldrich: You know H is a bit of a burden too, I know we've had media representatives, here (unintelligible) prepare a summary of those activities then distribute the summary to the news media and (unintelligible)

Julie Eaton: No, we have a transcript. I'm not saying this is our map I said let's make a map.

Tim Aldrich: I don't think, for me we're going to get calls from media without a doubt, I've had couple myself

Julie Eaton: that's number, that's, Right there.

Tim Aldrich: Under H there and we just need to be very sure that whatever we represent, if we're going to represent something it's exactly what's in the transcript not our version of what we see there, it's a point of caution as far as I'm concerned. You ask if we share that information but no I keep this group together functioning as a team and we do that by striving not to move away from (unintelligible).

## **LOUD BANGING OR FOOTSTEPS MAKING IT HARD TO HEAR**

Mike Mitchell: Anything else? Scroll down, is there anything?

Scott Vollmer: I think number 2 is in the Negotiated Rule Making Act.

Julie Eaton: Yep

Scott Vollmer: In different language.

Don Skaar: It doesn't talk about an alternate though does it?

Scott Vollmer: I don't know? Let see if I can find it.

Tim Aldrich: Which one you looking at Scott?

Scott Vollmer: Number 2 up there I know there's language in the Negotiated Rule Making Act that talks to Committee members needing to be at the meetings. I'm not sure if there's language about the alternate.

Mark Odegard: Number one is sort of in there too. Talks about consensus.

Don Skaar: Yeah it seems like under 2-5-108 is where that talks about the Committee duties. I'm just kind of looking of that, where it might address that alternate. I guess my

preference would be to just keep that first sentence and strike the rest because I don't know I'd prefer just be us and not be looking at alternates.

Julie Eaton: I think that would be burdensome.

Scott Vollmer: Yeah

Julie Eaton: Yep

Scott Vollmer: I agree.

Melissa Glaser: I agree

Don Skaar: Is, yeah Julie just brought up a point, so would it be good if I keep notes here of what everyone seems to be agreeing to is the idea that we might then draft up a version of this as our Charter that sort of the approach here?

Sarah Sells: I'm taking some notes too but it would be good to be sure.

Don Skaar: Okay

Julie Eaton: Thanks Sarah.

Mike Mitchell: Anything else with what's on the screen right now?

Julie Eaton: I think we're going down to decisions and agreements.

Don Skaar: Yeah

Julie Eaton: Okay. Is the last sentence referred to in our

Don Skaar: Yeah

Julie Eaton: so because if it's not I don't think we should include it. That's kind of making a public rule I think.

Don Skaar: Well the Committee doesn't have any power in itself so I don't know how we would agree to implement it as Committee members.

Julie Eaton: I guess we're not supposed to talk bad about it, we agreed to it.

Mike Mitchell: Anything else on that?

Don Skaar: She's talking about doing away with that last sentence and

Julie Eaton: I think so

Don Skaar: in number one then?



Melissa Glaser: Do we need number 3 in there? Is that something that regards to the Committee in its entirety? It seems like it's Fish, Wildlife and Parks.

Scott Vollmer: Yeah

Julie Eaton: Yeah that doesn't work for us.

Don Skaar: Yeah

Scott Vollmer: Yeah I think three can just be axed.

Don Skaar: Yeah

Mike Mitchell: Okay

Julie Eaton: What about number two?

Charlotte Cleveland: That is a tall order. Seeks to accommodate interests of all other participants.

Don Skaar: Seems a little

Julie Eaton: Yeah

Don Skaar: inconsistent with the Structured Decision Making process.

## **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: I was going to say it's exactly what the Structured Decision Making process is. Because everybody is going to be offering alternatives and when we get to the end of the decision analysis we'll be able to understand how well everybody's alternatives work and so there're going to be alternatives, things that people disagree with or agree with also that is an opportunity once we see those results for people to say, okay, you know this may rank as a top recommended decision but still got problems for a particular group or fundamental objective. What can we as a group tweak to take care of that problem? And that actually does get at the interests of all the participants.

Charlotte Cleveland: So in what stage are you saying this occurs in? Because if this happens in just a discussion with one of our little groups does that kind of apply then?

Mike Mitchell: Remember the multi colored, so that's the decision analysis. And that is the basis for evaluating the different alternatives the group comes up with and that's the spring board for further discussion if the group wants to do it.

Tim Aldrich: I think we were also yesterday in working with the problem statement, we left a couple of statements in parenthesis you know that we say yeah there is somebody that

would like to do this, we haven't adopted it fully yet but it's brought to the table to be considered still. At least if I remember what you wrote Sarah (unintelligible)

Michael Bias: Yeah areas to revisit.

Charlotte Cleveland: So you don't have to accommodate all interests you only have to seek to accommodate. I just find this hard to see how you use it in a situation where somebody suggests an alternative and one person says no so you got to come up with another alternative okay so another person says no to that one.

Mike Mitchell: Can you get the lion analysis up there?

Michael Bias: I thought this was if you're the person saying no you need to provide an alternative.

Charlotte Cleveland: But everyone has to agree with.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: So here's how this works. These numbers are going to be the average of what everybody thinks in the group although we'll be keeping information on the individual participants. We might say well these numbers are very different from what I thought but

Scott Vollmer: Those are the tabs on the bottom right? The individual ones.

Mike Mitchell: Yeah these would be the individual ones.

Scott Vollmer: Sorry

Mike Mitchell: that's all right. All questions welcome. So you'll see what the entire group thinks on this and then you'll have an opportunity to say this is what I think about this alternative, this alternative, this bothers me, that's a show stopper for me. So what can we do about that as a group? And hopefully other people will see well okay things that are important to me are already addressed in there and so it's not that hard to tweak this and say this is something we can all live with. Okay so that's where the negotiation comes in. But it's going to be based on you're going to see what the group thinks, you're going to get to compare to what you think, and we're going to be able to talk about specifics not abstracts or philosophies, or opinions we're going to talk about specifics. So this graph kind of shows you where, these bars show you of the alternatives that are here which ones best meet your fundamental objectives? Now that doesn't mean you have to go with that one, you can say well yeah that one's pretty good why is that good? Let's go over here and look at it all right well it does really, really well right here, right here, and right here so you see a lot of green there but the red still concerns me. So what can we do about the red and basically what all you're talking about doing is jacking that up even further or taking one of these other alternatives. So let's just say as a group, this alternative here has

clear winners and clear losers right? And nobody maybe wants to see clear losers. This one right here it doesn't really make everybody really, really happy but there's,

Charlotte Cleveland: Shared

Mike Mitchell: It's shared. That's a good way to put it and maybe this is a compromise solution that everybody can live with but you can still say alright, but those reds bother me and this is exactly what that lion group did. They took an alternative that was strongly supported, said but there's some parts we don't like, how can we fix them and the alternative they came up with isn't even up here. It was an improvement on these. Okay, so that's where the negotiation happens. After you've got everything out on the table and it's clear and it's concrete, it's explicit, now we're talking. Does that answer your question Charlotte?

Charlotte Cleveland: It does thank you.

Mike Mitchell: Okay, anyone else?

Julie Eaton: (unintelligible) I know you said it before but sometimes it takes a while.

Mike Mitchell: I say it wrong most of the time so if I finally get it right then. Okay? I'm sorry I lost track of, do we need to go back to the shared rules?

Melissa Glaser: Do you think we could get rid of number one probably?

Julie Eaton: Yes

Scott Vollmer: Yes

## **OTHERS SAYING YES AT THE SAME TIME**

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: We're not doing three either are we? We're not doing press releases or anything?

Melissa Glaser: I'd get rid of three as well but I think two is very important.

Don Skaar: Yeah I think two seems pretty reasonable.

### **COMMITTEE TALKING AT SAME TIME**

Mark Odegard: Number one doesn't apply

Don Skaar: Do we just keep two then?

Scott Vollmer: We would just keep two.

Jim Slattery: Yeah number two is the only one that seems to (unintelligible)

Mike Mitchell: So keep two?

Jim Slattery: Yeah

Mike Mitchell: So these are the roles and responsibilities? Where I was (unintelligible) already.

Jim Slattery: Number one we don't keep

Scott Vollmer: One and two don't apply

Don Skaar: One and two don't apply

Scott Vollmer: And three in just briefly looking at it we could change that if we wanted to put some language as to the as duties of the facilitator similar to what's in the Negotiated Rule Making Act.

Julie Eaton: Or just refer to them as written in whatever

Scott Vollmer: As written exactly

Julie Eaton: Do you have them? Right there, 2-5-110, we should probably share that with Mike.

Scott Vollmer: Mike would like to know.

Don Skaar: What his duties are?

Mike Mitchell: Why am I?

Julie Eaton: You might have some exceptions

Mike Mitchell: This is part of the awkwardness where I wasn't able to participate in the initial meetings and

Julie Eaton: We didn't talk about it done anyway

Don Skaar: Yeah

Mike Mitchell: I'm sorry if I'm more clueless than usual.

Lauren Wittorp: Move onto the next?

Mike Mitchell: Okay well hopefully we've been doing this

Mark Odegard: I think we have.

Mike Mitchell: I feel better now. Typical advisory Committee.

Jim Slattery: We don't have one.

Mike Mitchell: We don't have one

Julie Eaton: Yeah (unintelligible)

Mike Mitchell: Do you want one?

Scott Vollmer: No

Mark Odegard: Sort of what FWP is.

Julie Eaton: Is there anything else people want to add?

Melissa Glaser: I wrote some notes from yesterday what I heard people talking about maybe we can somehow formulate a statement that gives our responsibility about trust among each other and to be open with why, what we're stating and what we want and bring our stuff to the Committee and not stay quiet.

Julie Eaton: Would that be under task force, sub to A, or revise A?

Melissa Glaser: Yeah maybe that

Julie Eaton: (unintelligible)

Melissa Glaser: (unintelligible)

Julie Eaton: And interest period.

Don Skaar: We kept that from this?

Melissa Glaser: Okay

Julie Eaton: Is that okay?

Melissa Glaser: I think that would probably work okay.

Mike Mitchell: Anything else? Okay so we have agreed upon a set of rules. Sarah can you put what we had let's go ahead and look at all the way to the top and make sure everybody agrees.

Sarah Sells: Was I supposed to keep that C on there?

Mike Mitchell: So then?

Tim Aldrich: I'd like to look at C again I'm (unintelligible) requesting time. Individuals is pretty general and I think we talked about the reasons for public input

Mark Odegard: I agree with Mike we headed things off. If somebody that comes with an idea that we hadn't considered that's important we should listen to them.

Michael Bias: For example, the only people that we've heard talk have been Fish, Wildlife, and Parks and essentially, and it took two days so at one point I requested hey maybe we should have an outfitter come talk to us, no, no we'll do that through the rules portion. I was fine with that, maybe we should have an outside third party biologist come talk, maybe give views other than Fish, Wildlife, and Parks views on things like tipping point or whatever. That was my point with regard to, if we get to the point where we need to invite someone else in.

Lauren Wittorp: Would that have to be voted on consensus based if we wanted

Michael Bias: It could be yeah

Lauren Wittorp: Like if each person wanted to bring someone, everyone would have to agree to it. I just think (unintelligible).

Michael Bias: Yeah well that was my thought and that's in the rule somewhere like hey, should we bring this guy in?

Lauren Wittorp: That makes sense

Scott Vollmer: I think if we didn't it would be well I could bring my cousin in to say something we got to give them time.

## **COMMITTEE TALKING AT SAME TIME**

Michael Bias: But your cousin can come talk at the public

Scott Vollmer: Yes

Michael Bias: Comment period

Scott Vollmer: Exactly

Michael Bias: Which we cannot have people, public comment

Mike Mitchell: So a suggestion, you guys tell me what you think

Melissa Glaser: Adding a sentence each meeting allows for public comment, after, each meeting will be open to the public, each meeting allows for public comment and then individuals may request time.

Don Skaar: there you go, there's the English

Mike Mitchell: I'm tell you, she won't admit it but she's got an English degree.

Michael Bias: And in addition to, I think Tim there was discussion at the Commission level when they put the Negotiated Rule Making Committee into effect and discussed public involvement whether it was going to be a couple of times through the meeting, whether it was going to be just at the end or is the public allowed to be there and so it was discussed at the Commission level and at the Commission meeting when they put this Committee together.

Mike Mitchell: So suggestion, I'm sorry Julie

Julie Eaton: Lauren does that capture your, what you said though?

Lauren Wittorp: What do you mean?

Julie Eaton: If it does that's fine, what you just said about

Michael Bias: About wondering if the Committee can invite individuals

Mark Odegard: They don't have to

Jim Slattery: That would be by consensus

Don Skaar: Consensus

Julie Eaton: Is that what you mean?

Lauren Wittorp: Right, oh yeah that everyone agree on who we speak

### **COMMITTEE TALKING AT SAME TIME**

Don Skaar: How about just the Committee come by consensus will invite individuals

Michael Bias: There you go

Jim Slattery: Yep, definitely

Lauren Wittorp: That's fine, I was, yeah that's

Michael Bias: Can invite

Don Skaar: Can invite yeah

Tim Aldrich: Could, may

Michael Bias: Could, may

Tim Aldrich: may (unintelligible)

Michael Bias: Well it says will invite, says we have to invite.

Don Skaar: Yeah I think that looks good.

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: There's bias with the can and the will again

Melissa Glaser: We lost the original B which was the (unintelligible) will inform their constituency of the activities, seek the advice of their constituency and

#### **COMMITTEE TALKING AT SAME TIME**

Melissa Glaser: to speak, does that apply to us

Michael Bias: (unintelligible) doing that

Melissa Glaser: Maybe others don't have to so do we have to put it in there?

Julie Eaton: I don't think so.

Mark Odegard: You might put at the end of C that permission will be granted by consensus.

Don Skaar: Yeah

Mike Mitchell: I'm itching to get this suggestion out. There are a lot of different ways we can do this and it's totally up to you. So this is a working group within a process. Like I said yesterday this process can take right now the six days we have allotted to it, to run through it and then figure out what to do after that or if the Committee feels like we just don't have enough information to do that we can extend the process so that we can have people come in and present more information. But I would suggest on any of these that's about information, one of the things that I've seen work and that's why I asked if you wanted a technical Committee is I've seen whenever the Committee gets to the point where it's like okay we need a fact, who knows that fact. Okay is it somebody in the back of the room and the Committee can ask that person and that person provides the information that's requested but not beyond it. And sometimes if you have a technical Committee so it's like everybody agrees these are our experts, whoever, and you decide to include and we will ask them questions when we need data or facts and they'd all have to agree. But you have a Committee of experts. So I put that up to you. Do you want to have a Committee of experts, formal one that you could direct questions to, do you want to have a experts presence so like Chris from BLM has been here all along. Chrissy was here yesterday and she was available to answer any questions that folks have. How would you like to do that? But I would suggest in terms of people express their opinions, how they feel about things, advocating a particular approach to solving the problem I think that should be limited to public comment, however you guys define it. What do you want to do?

#### **COMMITTEE TALKING AT SAME TIME**



Tim Aldrich: I had experience with the land group, we had a science Committee that was standing by, not all of them all days but they were always available if we had questions that where we were had a little bit of a void of the knowledge of the science. People were very, very respectful. I like the idea that the Committee may ask individuals to come if needed. Right now I have the science has not been too difficult for us with some of the people we have but I like the part of B up there that gives us the authority or process that we could get expertise if we need it on some, need a sociologist, economist

Melissa Glaser: Therapist

Mark Odegard: As an example I've been reading what's call the EA, Environmental Assessment, it's not. And I have some specific questions on environmental assessment of the lower Madison and just, it says we got to cooperative agreement and that's the reason we're going to do this. That involves Fish, Wildlife, and Parks, BLM, MDT, Department of Transportation, DNRC, so I don't know what they said, it just says we had a cooperative agreement and that's why we're making this rule. To me that's no reason at all. So I don't know what BLM, MDT, DNRC have said or what they've agreed to. So that's at some point we're going to have to ask them what they think. But I don't think we need a Committee to do that.

Scott Vollmer: I agree Mark I think we just need us and I think we put in with well what did we just change it will consensus, we'll take care of this in between the meetings with the e-mail chain that we do with each other, whether this does come up to bring that person in.

Don Skaar: I agree with that approach, it would be the simplest

Julie Eaton: We don't know what we don't

## **COMMITTEE TALKING AT SAME TIME**

Scott Vollmer: And that way too is we're not killing time in here discussing whether or not we should bring this person in. I think that's how we handle it. Simple easy, its consensus based it's what it's all about.

Mike Mitchell: You beat me to the punch Scott I was about to ask exactly how you wanted to do that.

Michael Bias: I agree with Mark on that with regard to that it's my bias that, to say that we had in all the science we need, I don't know, (unintelligible) asking, but you now

Mark Odegard: I've been involved in several environmental assessments

Michael Bias: I've read them

Mark Odegard: and I have serious questions about what was done before.

Mike Mitchell: So one thing about science can we go back to, can we take a break from this real quick I promise to come back,

Julie Eaton: Okay

Mike Mitchell: I promise but I hear a lot of talk about where's the science, how does the science fit in what if we have alternative perspective on science. Okay so let's go back to the lion table. We'll talk about where these numbers come from. They can be personal expertise, they can be well in my experience, they can be whatever the group decides. These all predict the future okay if we implement this, this is what's going to happen to this. None of us has science about the future, the question is can we use information from the past to predict the future. There are different interpretations about what has happened in the past. Totally fine, so somebody can say if I want to predict the effect of this alternative on this fundamental objective and I have past information, information I find credible. Score them out based on that information, okay and then when we get back together we can talk about those scores. We can compare whether one perspective on data and science produces different results than another perspective on data and science and we can also ask is it, do these different perspectives actually make a difference in the decision. That's what happened with the lion group. There was a lot of arguing about science. When we got to this point it was like oh, the science doesn't really make a difference. Now that may or may not happen here but that's where we learn about these different perspectives on data, on science and how they can or cannot influence a decision. That's where we're going to get to the science and the data. Every perspective is going to be incorporated. We won't argue about who's right or who's wrong, we're going to say this is your perspective, this is where you have confidence in the data, how does it affect the decision. Back to the subject at hand. Okay so everybody good with theses?

#### **COMMITTEE SAYING YES AT SAME TIME**

Jim Slattery: I'm good with that.

Mike Mitchell: Everybody good with these?

#### **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell: Sweet

Michael Bias: Can we go back?

Mike Mitchell: Yep

Michael Bias: Just right there, so what happened to the, I can live with it clause? Is that essentially number one?

Don Skaar: Yeah I think so,

Julie Eaton: (unintelligible)

Don Skaar: do not disagree is sort of saying I can live with it, which is kind of how I interpreted that.

Unidentified Speaker: We can add something if you want.

Tim Aldrich: Silence maybe consent, reading number two if you disagree vehemently you better speak up and offer an alternative.

Mike Mitchell: And by definition everybody's going to be offering alternatives. Okay we good with that? Last one.

Michael Bias: With regard to communication with the media, what, I'm thinking, so we get to the point in April we have a rule or we have a recommendation, I propose that we should continue to think in this regard that once our Committee is done we don't start bad mouthing Committee members after we're done. Like oh, we would have done that but so and so whatever. You know what I mean?

Scott Vollmer: I agree Mike

Michael Bias: (unintelligible) two with some extent.

Scott Vollmer: I agree, at the end of the first sentence encapsulate that, so in other words after the fact, everything's done, our work is complete, does that encapsulate the fact that saying whether or not they're free to speak their own view on the work of the Committee we need to add the work of the Committee to the second sentence too. That might get a little difficult. I don't know the answer.

Mark Odegard: I would encourage people, having been a politician on City Council after things are completed, talk like a politician, given them an answer but not really.

Don Skaar: Have a model for life.

Michael Bias: My point was really I don't want to have happen after we're concluded what happened already.

Jim Slattery: I agree, if you want to talk about your views feel free to share but don't go bashing other people.

Michael Bias: Or it's open season and it's, which is fine with me as well.

Mike Mitchell: Could you leave the second sentence and after forms just add before during and after the Committee proceedings.

Michael Bias: I think it's just decorum and professional to say, hey, this is what we came up with, you know it's unfortunate that something didn't get in there

Jim Slattery: something didn't get in there.

Mike Mitchell: What do you think about that? What Sarah's got in there?

Michael Bias: I think you know there's no recourse or anything but

Don Skaar: No

Mike Mitchell: (unintelligible) gentle persons (unintelligible). You good with that?

Michael Bias: Yeah

Mike Mitchell: Make sure the facilitator knows what the hell he's doing?

Don Skaar: We'll just paste that in there.

Mike Mitchell: Let's be clear in the language we use.

Tim Aldrich: There's the definition

Melissa Glaser: Yeah somebody has a copy of that.

Mike Mitchell: Scott just showed it to me.

Scott Vollmer: You could look it up and past it in too.

Michael Bias: There's only rules and responsibilities for you, there (unintelligible)

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Yeah Scott just showed them to me. Thank goodness I haven't been breaking the law yet.

Michael Bias: No just everybody else

Tim Aldrich: (unintelligible) the person that partial aids in the discussions and negotiates the members (unintelligible)

#### **COMMITTEE TALKING AT SAME TIME**

Tim Aldrich: proposed rule, the facilitator does not have decision making authority.

Mike Mitchell: Nobody wants me to make a decision, I promise you.

Sarah Sells: What if I type this in there, that'll be good?

## COMMITTEE TALKING AT SAME TIME

Mike Mitchell: Are we good?

Don Skaar: Sarah if you could go up to the, just, yeah, just a little more up to number one there. Yeah I think Julie was suggesting we reference the act on the Committee duties there.

Julie Eaton: It's in our binder you guys, its 2-5-108.

Mark Odegard: At the beginning you could site 2-5-108, in parenthesis three. That's why we're doing this.

Jim Slattery: Yeah.

Mike Mitchell: Anything else?

Sarah Sells: What me to put that right there? (unintelligible) at the beginning of number one?

Julie Eaton: This Committee will

Don Skaar: abide by duties as in 2-5-108.

Julie Eaton: Is that decisions will be?

Michael Bias: Nah it's under roles isn't it?

Don Skaar: It's talking about developing procedures well that's what we're doing right now.

## COMMITTEE TALKING AT SAME TIME

Mike Mitchell: Any suggestions, modifications?

Don Skaar: I think we could just at the start of this whole thing reference

Mike Mitchell: Sure

Don Skaar: the act and say these are ground rules adopted

Michael Bias: Yeah

Mike Mitchell: Sure

Don Skaar: in accordance with the act, how about that?

Michael Bias: Yeah

Mike Mitchell: We good? All right we'll formalize this, circulate it through the Committee. Okay, that was a good discussion thanks for bringing it up Julie. So we've got roughly an hour until lunch. So my question to the Committee is do you want to plow through to lunch or do you want to take a break now?

Don Skaar: I need a break now

### **COMMITTEE TALKING AT SAME TIME**

Scott Vollmer: Take a break now.

Mike Mitchell: All right 10 minutes, is that enough time? Okay a 10 minute break so we'll be back together at 5 after 11.

### **COMMITTEE ON BREAK**

Mike Mitchell: Okay let's get going again. Sarah's printing out the ground rules, we'll pass those around. Actually I lied.

Sarah Sells: I'm printing off the (unintelligible)

Mike Mitchell: Okay, Sarah's printing of the problem statement and the objectives from yesterday, we'll get those ground rules to you later. We put a couple of place holders in the problem statement yesterday. People wanted to think about it, come back to. I don't want to spend a lot of time on that today but I do want to give those folks an opportunity to weigh in on the things they said they'd like time to think about. So can you go to the problem statement. Oh by the way I don't know if you noticed we rearranged the tables a little bit. This is a little bit tighter than I'm used to working so my peripheral vision wasn't working entirely well for me so if there were folks I missed yesterday sitting here off to the sides, I apologize, if I'm not seeing you throw something at me. I won't take it personally and I want to make sure even the people I don't see well get to talk. Where are our placeholders here? Do we have the brackets somewhere in there?

Tim Aldrich: The brackets. Right there, there is a comment right there.

Mike Mitchell: So folks wanted a change to think about that. Do you want to stick with this wording or what about it do you want to change?

Julie Eaton: I'm okay with it.

Michael Bias: Is that okay?

Mike Mitchell: Other people? No, we've established this already Mike, it's all about me.

Michael Bias: What about when you're not here?

Charlotte Cleveland: Who's making the biased interpretation that's unclear to me.

Michael Bias: Really, for me it was just a general, often agency, general public, it's the

Charlotte Cleveland: Okay, I'm confused.

Michael Bias: Oh, it's the outfitters. It always seem to, maybe we're biased in that we're too sensitive or something. It always seems that oh, damn outfitters. There's too many every time I turn around I run into an outfitter.

Charlotte Cleveland: Bias interpretation of available data.

Michael Bias: Right

Charlotte Cleveland: Who's making that

Jim Slattery: I think it's a general feeling.

Julie Eaton: general

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: I'll give you an example, cause the example that was when Travis was here when I presented the 207,000 users days on the upper compared to the 19,000 outfitted days on the upper I was told oh, you're miss interpreting that data or that's not really the numbers. I'm like well both of them are Fish, Wildlife, and Park estimates, how am I biased or misinterpreting. These are their numbers. The other bias comes from well one of the other biases comes from when you just look at 19,000 user days in the upper for example Andrew Puls, when he gave his presentation and shows this graph of oh, man it jumped from 9,000 to 11,000 trips. Look at that increase, and that is, 11,000 trips can be a lot when looked at as just 11,000 trips but when you look at in 207,000 trips it's a small portion. So we feel we're being biased often from agencies and general public.

Julie Eaton: With that example, sorry I can add and the quote is from Andrew that's an enormous number of boats. So actually that's an anchoring (unintelligible)

Michael Bias: Yeah it's an (unintelligible) for a lot of them.

Jim Slattery: So some people feel that this is a problem. It's a legitimate problem

Don Skaar: That's what our facilitator taught us together.

Mike Mitchell: He said what?

Don Skaar: These are concerns

Mike Mitchell: These are concerns we don't have to agree with it. You scared me when you say that. I just hope I remember. Okay so next brackets.

Tim Aldrich: I look at the, there are things, the regulations and one thing or another on how to handle fish but doesn't mean everybody reads them.

Jim Slattery: Right

### **COMMITTEE TALKING AT SAME TIME**

Tim Aldrich: I certainly find the need to educate or provide signage or (unintelligible) just to let people know that hey, there are other people here and here's the rules of the road.

Scott Vollmer: There's a river etiquette pamphlet too, same thing. Doesn't mean everybody reads it.

Tim Aldrich: You got to be available (unintelligible)

Scott Vollmer: I think all the region offices assume that

Jim Slattery: When they get their (unintelligible)

Scott Vollmer: it's actually a pamphlet produced on stream access laws and river etiquette. I wish I had it with me I'd show it to you.

Mike Mitchell: So we good with that wording or do we want to change it?

Mark Odegard: It's a statement of an indication of a problem.

Mike Mitchell: Well that's kind of one thing that I thought is the problem is people misbehaving or behaving poorly or exhibiting poor etiquette and how to address that is something we'll come up with later. Personally this seems fine to me but I kind of agree with you Mark that it's not entirely clear about what the problem is and the problem is the way people behave. Do I have that right? So do you want to stick with this?

Jim Slattery: Yeah, I would.

Mike Mitchell: Okay, Take that out of brackets too. I think that was it right, just those two things? All right everybody good? Moving on. So end of the day yesterday we had the break out groups give Sarah the start of the discussion they had or the overall discussion about alternatives but the progress they made on developing alternatives so yeah Mike?

Michael Bias: Before we get to alternatives can we revisit some objectives?

Mike Mitchell: You guys want to?

Scott Vollmer: Yes



Michael Bias: Because better defining the objectives or adjusting the objectives will influence how we come up with alternatives.

Mike Mitchell: Absolutely so if you want to do that we can.

Michael Bias: So there was some we threw in there yesterday. We talked about, I was concerned about the large number of various stakeholder groups and we added some. I don't know if we took any away but one thing we did was we split commercial users to large and small and I think that's unnecessary and so when we looked at this we, I said, we didn't say anything I was saying that man I'm concerned that all those groups, when we get to our matrix the only red line you're going to see is commercial users my bias right? And through our discussions yesterday we added well maybe large and small and I think that's almost an artificial distinction for us. I know it's going to pit large and small outfitters or has the potential to be divisive among commercial users so I want to just have commercial users instead of any kind of divisiveness among those groups.

Mike Mitchell: What do other folks think?

Scott Vollmer: I do to. (unintelligible) users period.

#### **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: You guys know it's a problem for me so I would agree with that.

Michael Bias: I still think we need nymph and dry fly guys.

Mike Mitchell: So my only question to the group is that when it comes to commercial users is there a difference in perspective between small business owners and large business owners that's part of the problem, that makes this a difficult decision to make, because commercial users have different perspectives within their own rank or can we just lump them altogether and say commercial users.

Julie Eaton: No more than different non-commercial floating anglers or wade anglers or non-commercial users who could be birding or swimming or kayaking. I mean those are very different as well and those groups are large and encompass a lot so.

Mike Mitchell: So is everybody comfortable

Tim Aldrich: I think, I'd just like to make a statement that not that it might change is but I think when we looked at who's interests needed to be represented or might be affected there could be rules proposed that would have a different effect on people that are large users versus people that are a (unintelligible) smaller users.

Michael Bias: That's my exact point. Why?

Tim Aldrich: Why?

Mike Mitchell: Right, I don't see that as, if that comes up in our alternatives I think we address it in our alternatives. I think large and small, why not medium to, or how do you determine large and small?

Tim Aldrich: I just an example maybe, which in one of the draft rules that we did not accept back (unintelligible) by limiting an outfitter to 10 trips per day

Michael Bias: Right

Tim Aldrich: over a very large (unintelligible) of the river would certainly affect some of the larger users whereas it would have no effect on some of the small users.

Julie Eaton: No, they actually it would, they would have to take up people who needed boats so if, it doesn't change anything actually. Full use on the river.

### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: that's what I'm saying, so we are getting into the weeds, I'm not sure we want to do this under objectives. This is kind of what I was trying to avoid if these discussions are going to happen in alternatives. For example if you limit trips to 10 boats a day for large outfitters, it's not like those trips go away. So you might have a negative impact on large outfitters by taking those trips from them but you've increased small outfitters because their the ones taking up those trips. You see what I mean?

Tim Aldrich: yeah

Michael Bias: So there's going to be 15 boats at Lions. If it's one large outfitter or if it's one large outfitter and two small outfitters. In one perspective the smaller outfitter to two smaller outfitters they just gained trips so they benefited, the large outfitter was dinged so he didn't benefit and so is that a concern for us as a Committee or for us discussing it under alternatives. And this is what I didn't, the whole large outfitter small outfitter thing is what I was trying to avoid in this portion. It's like for my perspective commercial users are commercial users. In fact it's outfitters

Julie Eaton: Commercial use.

Michael Bias: (unintelligible) if anything else

Mike Mitchell: Other perspectives. I don't know who on the group might have the perspective of smaller outfitter. Does anybody who has that perspective disagree with the idea it's all commercial users or is there, are there regulations that could affect small commercial users differently from large commercial users?

Melissa Glaser: Absolutely there are things that could be put in place that would affect them differently.

Julie Eaton: There could but it doesn't address crowding so for addressing overcrowding

Don Skaar: Right

Julie Eaton: there are no rules that could

Mike Mitchell: Well we're just talking about satisfaction here. Could the Committee come up with rules that satisfy these two groups differently?

Jim Slattery: Yes

Don Skaar: I think so

Julie Eaton: But it wouldn't address our overall problem.

Mike Mitchell: We're just talking about satisfaction.

Julie Eaton: Of crowding?

Mike Mitchell: Satisfaction of use of the river. That's what that's talking about okay, so if these could be different perspectives on proposed rules then it could be informative to keep this stored out here because what you anticipate discussing in the alternatives needs to be here.

Julie Eaton: Then you better put medium there.

Tim Aldrich: I don't know where we're going to end up going. I really don't. A lot of people have different ideas than where we're going. All I'm saying is that if you look at the purpose in this statement and the reasons also specified in the draft rule there was an effort to stop the growth in the use at this point. Not to shrink it, it was to hold it where it is.

## **MIKE B AND TIM TALKING AT SAME TIME**

Tim Aldrich: provided differential affects

Michael Bias: I agree but my point is that, that was one rejected alternative that has been rejected for a reason and I think that through the alternatives we can address those issues without regards, picking on large or picking on small.

Mike Mitchell: So if you want to address those issues in the alternatives this is where you say I'm going to address those issues.

Jim Slattery: I'll propose this then, you guys, certain people on the Committee feel that, I think everyone feels that if we can blend them together then we'll blend them together. Does that work for you or no?

Michael Bias: Yeah I wanted them together, I wanted them, put them back together.

Jim Slattery: So we can leave it like this and then if we come to a realization that this doesn't really matter, this commercial users is just one whole group then we can do it that way.

Michael Bias: What I didn't want to do is start driving a wedge between the outfitters based on how many trips each of them running.

Jim Slattery: Okay so why don't we just do the reverse of that, what don't we just have the commercial users and leave it at that and then as we go through this if we feel that maybe we need to parcel them out then we parcel them out?

Tim Aldrich: I like that.

Mike Mitchell: It's up to you guys. Do remember the house example that Justin presented if you get to a point in there where it's like you know this objective just doesn't matter because it doesn't really differ or these two objectives are redundant so we don't need them both. This is a way of answering the question. So if you had both of those in there and they both scored out exactly the same way across alternatives then you say well we just think the whole group is commercial users. We don't need to split them out or if you keep them and then you get to scoring and it's like well folks do believe there's a difference in how these different perspectives are viewing these alternatives, then you can say alright it's worth keeping them in. It's a little harder if you lump here and then later you get to will now I need to split them up. That's a more difficult thing to do.

Mark Odegard: After the time?

Mike Mitchell: After the fact much harder. So it's up to you guys.

Julie Eaton: Let me throw something out again. Could we just go back to non-anglers and non-commercial again and give me an example of why they're not the same? Again we're trying to make it more concise but I don't get that.

Mike Mitchell: May I asked that we solve this one first and move on to the next one.

Julie Eaton: Yeah that makes sense.

Tim Aldrich: I just said, bottom line is we're going to realize that if you affect something in here you affect something up here. There are tradeoffs anytime you choose between, there's potential tradeoffs here between the satisfaction of some group versus

satisfaction of another group. They won't all be created equal so if we don't need the large and small to be able to deal with that (unintelligible), I guess, I'm fine.

Don Skaar: I don't think I, I think I'm pretty content with whatever you'd prefer there although I guess it could conversely work against you to if you combined them and then one group or the other didn't feel they were properly evaluated and (unintelligible) alternatives. I'll leave it at that.

Mike Mitchell: Other thoughts. Combine or keep them separate?

Mark Odegard: I'm not going to say anything.

Tim Aldrich: I'm okay combining them and just realizing that down the road we may have to run then both.

Mike Mitchell: Can you live with combining them for now and keeping the option open to split them later if we need to?

Mark Odegard: I'm not involved in it so it doesn't matter but I'm just thinking about it I would keep them separate but we have people here that worry about that and I don't.

Mike Mitchell: Okay, people that worry about it, Julie, and Melissa too I'm sorry.

Melissa Glaser: I'm okay with combining them, but I think we're, I don't think it's the right thing to do but (unintelligible).

Mike Mitchell: All right combined them? Is that what I'm hearing?

Lauren Wittorp: You said it's difficult to separate things back out later in the process but still doable?

Mike Mitchell: Yep, it's just, it's not as clean so let's say you have them split out. You saw no differences at all then it's clear that you can lump them and it makes no difference to the decision at all. If somewhere down the road we have them lumped and then there's discussion about well I think we should split them out, well not I don't think we should it's largely an abstract philosophical discussion because there's nothing on the scoring that makes it clear so we'd step back. Add and other fundamental objective score that again and then answer the question about does it make a difference or not. So it's easier to split them out up front. It's not impossible to handle it if you don't. There's nothing wrong with saying we could get to that point. We need to go back to the fundamental objectives.

Jim Slattery: Scott what's your view on this?

Scott Vollmer: Well it really, boy have we had a lot of conversations in the last month and a half. First of all as a (unintelligible). It's really, I personally just want it as commercial users because

Jim Slattery: Okay

Scott Vollmer: Because based on all the conversation we've had is we're there, we're kind of should be fellows felt as one group. There's areas where we disagree but they're very minor areas and by and large all commercial users as a group from what we've talked to them about all feel fairly similar about all these issues.

Jim Slattery: And Mike you?

Michael Bias: Well that's a good point but let me throw a wrench into things.

Mike Mitchell: Okay, that'll be a first.

Michael Bias: You know I'm really feeling like you're picking on me.

Mike Mitchell: Facilitation fails.

Michael Bias: Throwing a wrench, know I lost it.

Mike Mitchell: That was an offensive tactic.

Michael Bias: No this was one of the proposed rules that was also rejected or I don't know about unintended consequence but besides just commercial users you have established outfitters and new outfitters. And depending on where you go with your rule we're going to go back to 2016, then you just cut out all the new outfitters which I think is as big of effect as large or small. My point is that as outfitters I think for the Committee's perspective, commercial users covers it. For, when we get to the alternatives, were going to need to discuss this as well, how far back do you go? Depends on if you're an established or new outfitter. But I don't know I don't want to like divide commercial users to 15 different kinds too but

Mark Odegard: Are the new users or outfitters small?

Michael Bias: Not always.

Don Skaar: Typically

Julie Eaton: Typically

Don Skaar: Yeah

Michael Bias: I don't know how it is on the Madison but no, I have an example no what about the, we just heard from one yesterday. John Sampson, new lodge, there's potential there

for his outfitters to start out as giant. On the Big Hole the way the rules are in place it's like there's like no such thing as small outfitters on the Big Hole anymore. Because you know you're buying 90 days at a shot. But established and non-established or historic, people that were operating in 2016 versus people that we're operating starting in 2018, that is going to have an effect too. How far do you split these out? So we're splitting our argument I guess I don't know

Mike Mitchell: Well I'm hearing lump.

Mark Odegard: Could I comment on that?

Mike Mitchell: Oh yeah

Mark Odegard: I think you ought to have both of those in here in addition to that. The reason is that the rules I see are mainly aimed at outfitters, guides so you ought to get the perspectives from them and get a variety of what is

Michael Bias: Well my issue even more Mark and this gets back to something I wanted discuss on the second day is let me just ask you, I'll ask then what's the difference between an outfitter and a guide?

Mark Odegard: I'm not sure because I (unintelligible)

Michael Bias: Okay well that's my point. There's a huge difference. What's it take to become an outfitter?

Mark Odegard: I don't know

Michael Bias: My point is that one out of 10, well 4 out of 10, less than a half, this group knows what it takes to become an outfitter in Montana. I bet even less than that knows the difference between outfitters and guides and so when we start splitting commercial users to that level it's going to, people's eyes are going to start glazing over and go what? Guides don't have days, guides don't have historic use you know what I mean so that's where I, I didn't want to go down that rabbit hole based on objectives. I felt after thinking about it last night maybe we should just keep it commercial users and then when we get to those alternatives we can hash some of it out because for one we just added four more categories.

Mike Mitchell: Can you live with that Mark?

Mark Odegard: I'm not involved so,

#### **COMMITTEE TALKING AT SAME TIME**

Mark Odegard: I'm not involved in that industry.

Michael Bias: But you understand.

Mark Odegard: Just looking at the proposed rules they're all aimed at, almost all of them are aimed at outfitters guides, whatever so maybe we ought to get something in these that captures all the perspectives.

Julie Eaton: That's about six or eight.

Jim Slattery: I vote that we or share whatever you want to say that we lump them together.

Mike Mitchell: Okay folks speak up a little bit.

Jim Slattery: I say let's lump them together and move on.

Mike Mitchell: Everybody want to lump them together?

### **COMMITTEE AGREEING AT SAME TIME**

Mike Mitchell: So shall it be written so shall it be done. Let's come back to wade and float anglers. That's what you were asking about Julie?

Julie Eaton: No non-anglers, I can't come up with an example of how they're different.

Jim Slattery: And non-commercial users.

Julie Eaton: Yep

Michael Bias: And a non-angler

Julie Eaton: And a non-angler how do they capture two different things

Jim Slattery: If I go out fishing I'm a non-commercial user

Julie Eaton: So you'd either be a, if you fish, you're going to be a wade angler or you float so you'd fit in that one 100%. If your wading you fit into that one.

Jim Slattery: Well yeah, and you can look at it I'm a resident and a wade angler.

Julie Eaton: Right so why

Jim Slattery: I'm a resident and I'm floating

Don Skaar: the categories aren't all exclusively (unintelligible)

Julie Eaton: Right but what's an example of a non-angler that's not a non-commercial? I mean I don't understand why they're

Don Skaar: A tuber



Julie Eaton: They're a non-angler, a tubers a non-angler and their non-commercial so why do we

Jim Slattery: Because there's

Julie Eaton: What's the value in that distinction, that's all, I can't get at, that's my question.

Scott Vollmer: What Julie's saying is there an example of one that isn't both? If there's an example where you are both then we should get rid of one.

Melissa Glaser: Was that one originally going towards commercial non-anglers?

Don Skaar: Yeah

Melissa Glaser: That's what that was originally

Julie Eaton: Yeah

Melissa Glaser: It's commercial non-angler if that's lumped into commercial user then it would probably go away.

Mark Odegard: Don't you have commercial non-anglers?

Melissa Glaser: I'd be commercial non-angler. So I'm middle no that is lumped separately from commercial angler user. I think it's the same discussion as small versus large.

Mike Mitchell: Well it goes back again not so much to what we in the group might believe or think but is there a problem because this decision is difficult because non-commercial or non-angling commercial interests are disagreeing with angling commercial interests. Is that part of the problem?

Julie Eaton: That's not what we're talking about.

Mike Mitchell: And so if essentially commercial non-anglers are the same as commercial users we don't need to have them up there.

Julie Eaton: Right, that's my question

Mike Mitchell: But if they're different in their perspective, they disagree or might be affected differently by the rules that the Committee comes up with it would be good to keep them both in there but that's your call.

Julie Eaton: Then we have to add commercial in there okay.

Michael Bias: Commercial non-angler

Melissa Glaser: Yeah

Julie Eaton: Exactly. Commercial non-angler

Mike Mitchell: So you want that to be commercial non-angler?

Julie Eaton: Yeah

Mike Mitchell: Okay. Does that get at what you were talking about Julie?

Julie Eaton: Well that gives me a difference between the two, not that I would put that but yeah.

Mike Mitchell: Yeah

Sarah Sells: Does this change to anglers then?

Mike Mitchell: Yeah should that be commercial anglers?

Julie Eaton: That makes it different. It describes it.

Mark Odegard: What are you going to do with one, okay, yeah

Don Skaar: Frankly I'd like to see commercial non-anglers. Non-commercial-non-anglers

Jim Slattery: Yeah I would agree

Don Skaar: Commercial anglers and non-commercial anglers.

Jim Slattery: Yeah I think that's where you got to go.

Julie Eaton: We have non-commercial users

Don Skaar: Just call them non-commercial anglers.

Julie Eaton: We're trying to shorten them aren't we Don?

Jim Slattery: That's okay

Don Skaar: These rules could definitely disproportionately affect the boaters or the tubers versus the anglers who aren't hiring a guide or outfitter. I think we need to keep all those separate.

Jim Slattery: So we need a non-commercial angler as well right?

Don Skaar: Right

Jim Slattery: Yeah

Melissa Glaser: Wouldn't that be covered under wade anglers and float anglers?

Jim Slattery: No

Don Skaar: No

Melissa Glaser: Wouldn't it be one and the same?

Don Skaar: Because those could be

Michael Bias: CPTPP commercial wade or it could be commercial float

Jim Slattery: Non-residents

Don Skaar: That's it right there.

Scott Vollmer: If we had our list where every group was mutually exclusive, the list would be hundreds.

Jim Slattery: I think that's why we came up with the way we had it last time.

Lauren Wittorp: Yeah

Jim Slattery: To try and make it small.

Mike Mitchell: I'm sorry

Jim Slattery: We added one or are were they the same?

Lauren Wittorp: There the same.

Mike Mitchell: Okay

Don Skaar: You know when we went around yesterday and talked about our ideas I think pretty much there was an idea that was captured in all of those categories there so

Jim Slattery: (unintelligible)

Don Skaar: Yeah, so I feel strongly we need to keep them broken out.

Mike Mitchell: Everybody alright with that? Can you live with it?

Melissa Glaser: I can live with it.

Mike Mitchell: Other changes? Did we get everything that you're interested in Mike from the fundamental objectives?

Michael Bias: Yeah, I think that (unintelligible)

Mike Mitchell: Okay. Thanks for bringing it up.

Scott Vollmer: We changed commercial users to commercial anglers there. Do we mean to imply that commercial anglers and outfitters are one and the same?

**MIKE B AND JULIE TALKING AT SAME TIME.**

Scott Vollmer: Yeah so do we need to add back in commercial users as in and on its own (unintelligible)?

Michael Bias: Other than is commercial anglers are the guided public. (unintelligible)

Mike Mitchell: Melissa what do you think?

Melissa Glaser: I don't know what to think anymore.

Mike Mitchell: Well then we have arrived.

Jim Slattery: Maybe we ought to consider commercial anglers as outfitters too.

Julie Eaton: It's a user, SRP, whoever has a SRP. That's what we're talking about correct?

Michael Bias: Right were commercial users included (unintelligible)

Julie Eaton: Oh that's true to

Michael Bias: Which is commercial non-angling but not on the river. Well this is clearing things up.

Jim Slattery: Maybe we were better where we were.

Mike Mitchell: You want to go back to where we were?

Charlotte Cleveland: You can't say commercial angler.

Don Skaar: Don you were the one that felt pretty strongly about some of these categories.

Michael Bias: We could have a large and small commercial non-anglers.

Don Skaar: I mean I definitely want the non-commercial non-angling captured. That's probably the most important thing to me.

Jim Slattery: Yes

Mike Mitchell: Everybody okay with that? Non-commercial non-angler. With these other categories is there anything that we can collapse, that we don't need to split them out?

Julie Eaton: D is not accurate. We can't,  
Jim Slattery: Commercial that should be well  
Michael Bias: We already have an alternative that was thrown out that the lower river is closed to guided fishing but scenic trips are okay. It's like well  
Mike Mitchell: We haven't thrown out any alternatives.  
Michael Bias: Oh I know but I mean I've heard that already.  
Mike Mitchell: What's that?  
Scott Vollmer: Throw out an idea, about the alternatives.  
Michael Bias: We've heard it.  
Mike Mitchell: Oh so you weren't talking about discarding.  
Scott Vollmer: Right

#### **COMMITTEE TALKING AT SAME TIME**

Michael Bias: It was presented, it was offered.  
Mike Mitchell: Facilitation failed.  
Julie Eaton: So angler doesn't accurately describe the unit of activity of commercial fishing. It is user.  
Jim Slattery: Right  
Mike Mitchell: So let's change that back to user, is that what I hear?  
Julie Eaton: Or SRP or whatever you want to say.  
Mike Mitchell: Group want user or angler?  
Julie Eaton: Do you want that defined, I mean if you need it defined why that's different.  
Don Skaar: Well then Melissa's business gets in the same category.  
Melissa Glaser: No  
Charlotte Cleveland: No  
Julie Eaton: No it doesn't she already has her own. Commercial non-angler.

Melissa Glaser: (unintelligible) too.

Julie Eaton: Okay how about not SRP so Scott do you see what we're struggling with here?

Scott Vollmer: Yeah

Julie Eaton: I don't know how, I don't know what to say.

Scott Vollmer: Shouldn't have brought it up.

Julie Eaton: But it's accurate. I hate to put the o word up there but that's what we've been talking about.

Michael Bias: Well that's what we've been talking about the whole time is outfitted or not.

Julie Eaton: Because it's not, it's not guides.

Michael Bias: Okay when we went from commercial I mean from outfitting to commercial it was because we were talking about show guides and the scenic trips and then yesterday we talked about split the scenic and commercial, outfitted angling trips.

Scott Vollmer: I think what we do is change anglers to users and the reason why is because commercial anglers, the people that we take fishing are encapsulated in those other categories whether that be float anglers or wade anglers, with their satisfaction.

Mike Mitchell: Change that to users?

Scott Vollmer: Yes

Michael Bias: What about, is that including (unintelligible)

Jim Slattery: Shows

Michael Bias: It doesn't describe that.

Jim Slattery: Yeah that includes commercial non-anglers then.

Julie Eaton: It doesn't describe

Michael Bias: Or we just call it outfitted angling and outfitted scenic and shows. I don't know. I'm starting to get bummed.

Jim Slattery: Yeah.

Michael Bias: Because we haven't really talked about any alternatives that are shuttles and outfitted, there's like no distinction there. Angling outfitted.

Jim Slattery: What about commercial angling use?

Charlotte Cleveland: How are we trying to maximize the satisfaction of that person? I'm a little confused?

Michael Bias: Which person?

Charlotte Cleveland: The person we're talking about here.

Michael Bias: So like the scenic outfitter?

Charlotte Cleveland: No the shuttle.

Michael Bias: Shuttle?

Charlotte Cleveland: We're not trying to maximize their satisfaction.

Julie Eaton: They're business people

#### **COMMITTEE TALKING AT SAME TIME**

Don Skaar: They're affected by this.

Julie Eaton: They're affected, they need to be satisfied that they can

Jim Slattery: Is that part of the local economy? I'm just throwing that out.

#### **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: Is that part of that, that would be affected? That's more

Charlotte Cleveland: So wouldn't that be under 7?

Julie Eaton: So there's a

Jim Slattery: Yeah

Charlotte Cleveland: I think it would be under 7.

Julie Eaton: No because they actually hold a permit that is regulated like any other commercial user under maximize satisfaction

Charlotte Cleveland: I gotcha.

Julie Eaton: So they

Charlotte Cleveland: Gotcha.

Michael Bias: And my, so the tubers, the commercial tuber guys coming out of Bozeman are different then the shuttle people up here right? Don't they have the same permit?

Jim Slattery: I was asking do they have the same permit?

Scott Vollmer: Yeah they have an SRP

Michael Bias: The Bozeman tour guys have an SRP but they're commercial non-angling and they use them differently than the commercial shuttle people in the upper river which also have an SRP in commercial non-angling.

Jim Slattery: All right so how do you define them?

Michael Bias: I don't know.

Jim Slattery: Commercial non-anglers

Michael Bias: And it could, it's a sticky issue across users. Where the guided outfitted angling people are, hey those guys coming out of Bozeman, their launching 50 tubes a day and they don't pay and all kinds of stuff. Conflict

Don Skaar: You said the commercial angling users or something like that. I mean the shuttle drivers are going to have the same, gonna be

Jim Slattery: They got to have the same

Don Skaar: affected the same way as the commercial

Jim Slattery: Yeah

Don Skaar: outfitters, wouldn't you say?

Jim Slattery: Yeah, we could but those in that group

Don Skaar: I mean generally under alternatives

## **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: We could do the same thing with this that we talked about before that we can run with what we've got and if we get to the decision analysis we can change.

Jim Slattery: We could put commercial angler users.

Julie Eaton: That's fine

Jim Slattery: If we need to parcel it out, just parcel it out.



## COMMITTEE TALKING AT SAME TIME

Julie Eaton: So Jim that does capture, if you understand what that means it doesn't capture the user in the SRP which is a distinction that we'll talk about later.

Michael Bias: So commercial non-angling includes the shuttles and the scenics.

Jim Slattery: Well I think we should just put the shuttles in with the angling.

Don Skaar: That's what I was suggesting.

Jim Slattery: Because they're going to get affected

Michael Bias: No, we can't because, for the reasons I just said, the shuttle guys coming out of Bozeman that's their SRP in they're running tubes down

Jim Slattery: That would commercial non-anglers

Michael Bias: That's very different than the shuttle

Jim Slattery: Right

Michael Bias: users on the upper

Jim Slattery: Right that are there for the anglers so that would be in the angler group that's what I'm saying, we could separate them out.

Michael Bias: Well let me throw this in, because they're shuttling non-anglers too right? They've got private people that their shuttling their cars from.

Don Skaar: The shuttle drivers aren't necessarily going to be affected by the sections we have set up.

Julie Eaton: Or public (unintelligible)

Don Skaar: or alternatives that have sections for number of commercial uses or something like that.

Jim Slattery: So why don't we just angling, anger shuttles

Melissa Glaser: There's no such thing

Jim Slattery: Commercial angler shuttles, we put it in there then, let's put it in there, they have both so they should be their own.

Mike Mitchell: So just add one for shuttles

Jim Slattery: Yeah angling shuttles.

Julie Eaton: Shuttles can take people that are just, are rafting too

Jim Slattery: On the upper section?

Julie Eaton: Absolutely they can do whatever, shuttles are shuttles doesn't matter if it's

Jim Slattery: They would be

#### **COMMITTEE TALKING AT SAME TIME**

Mark Odegard: I took one from the airport in Bozeman to here.

Julie Eaton: There you go.

Jim Slattery: (unintelligible) it's something to think about.

Mike Mitchell: Add shuttles, don't add shuttles and again if we need to come back, split things out, take things away we can do that.

Don Skaar: (unintelligible)

Jim Slattery: Yeah, it's (unintelligible)

Mark Odegard: I think it's under 7 but we could split out a lot of things number 7 if we wanted to do that.

Mike Mitchell: Yeah so I mean, do you want to talk about shuttles as users or do you want to talk about them as local business.

Charlotte Cleveland: I thought they were under 7, that was my impression.

Julie Eaton: They are users because they have a permit like other users. They're defined as

Scott Vollmer: Well ya, permit, it's the same

#### **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: they have an SRP so let's put them up there.

Mike Mitchell: Put them up there?

Jim Slattery: I go for putting them up there.

Mike Mitchell: Okay, it's a go? These are important discussions again because

Don Skaar: Yeah

Mike Mitchell: the discussions we have later are going to be based on these so it's, this is actually important work. Anything else on fundamental objectives? I'm sorry? Anything else, going once, twice, three times. Mark you waited until I said three.

Mark Odegard: Well I was thinking about this

Mike Mitchell: Okay

Mark Odegard: there is concerns about spreading the pain, I don't know where that's incorporated, or it may be that it's in everything but I don't know if it should be split up

Mike Mitchell: You're talking about sharing the pain amongst user groups?

Mark Odegard: Yes, among everybody on the river.

Mike Mitchell: Okay, what do folks think, the objective of spreading the pain?

Julie Eaton: Maximize satisfaction by sharing the pain.

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Maximize pain shared. There's a word for that.

Julie Eaton: I love it, that's a t-shirt. It is.

Don Skaar: I understand that, seems like the problem is there's a million different ways you can have with that.

Mark Odegard: Well that's the problem I had but it was this thing that was stated that we should share the pain.

Mike Mitchell: Does 5 do that?

Don Skaar: Well that's one kind of pain.

Mike Mitchell: Does 5 address what you're thinking Mark?

Mark Odegard: To some extent.

Mike Mitchell: Okay

Mark Odegard: all of these address it to some extent.

Mike Mitchell: To some extent. Okay if we need to improve that extent we can come back. Okay? Once, twice, three times? (unintelligible) Okay, moving on, lunch in 5 minutes. How about we start early with lunch. What do you got Don?

Mike Mitchell: You got to inform the facilitator.

Tim Aldrich: Consensus decision damn it.

Mike Mitchell: All right go 12:15 once again I've lied so let's go ahead and what I'd like to do is put up on the screen the work that the three break out groups did yesterday and for each group I'd like to have a member sort of explain the thinking, talk about some of the discussion that took place so let's start group 1 so who would like to speak for group 1.

Lauren Wittorp: Yeah we essentially, I hope we took this the right way I would say we were slightly unsure but we basically just listed all of the alternatives that were brought up from the group for each one. So that's where we came up with house. We were trying to just incorporate everybody's ideas from yesterday.

Mike Mitchell: Let Sarah know when you're ready to scroll down.

Lauren Wittorp: and we only made it for rule 1.

Michael Bias: So that number 1 is just you guys and then number 2 is something (unintelligible).

Lauren Wittorp: Oh no that's a part of, we just took the rule from April and that's for rule 1 and so we wrote, where it says 1 that's what originally was proposed by FWP April 2018 and then underneath the options was that part of rule 1 is number 2.

Mike Mitchell: Oh so you're talking about this would be added?

Lauren Wittorp: No that's already included in the rule that was proposed by FWP

Michael Bias: Oh so rule 1, number 1, rule 1 number 2, yeah that's good

Lauren Wittorp: We just tried to do it exactly how it was in the document.

Michael Bias: Yeah I got it.

Lauren Wittorp: Yeah.

Michael Bias: Thank you.

Lauren Wittorp: Yeah

Don Skaar: We're you going to, so on rule 1 you got basically 4 alternative options were you going to narrow that down or were you going to

Lauren Wittorp: We were under the impression that we were just supposed to incorporate everybody's ideas from the group and those were all the ideas from our group.

Don Skaar: I see, okay

Lauren Wittorp: So our group had a lot of viewpoints so I guess that's where that came from, same thing with glass we were just trying to (unintelligible) everybody's ideas.

Michael Bias: So rule 1 number 2 says glass bottles and containers? So like even what if I, boy I got to ready this more closely, say you're like (unintelligible) left over, that's banned too? That's just

Mike Mitchell: Well that's something that we can define

### **COMMITTEE TALKING AT SAME TIME**

Lauren Wittorp: One of the ideas that came up in our group was that there's no restriction at all or the other idea someone had was just on the lower Madison so we were just listing everyone, we did not argue at all for or against any. We were just listing everyone's perspective.

Mike Mitchell: That was exactly the right thing to do.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: This is like, here is the basically rule the April 18<sup>th</sup> rule and these are different ways to modify that rule, representing different perspectives. That's exactly

Michael Bias: Oh man

Mike Mitchell: what we're working on doing so you could have the rule modified this way, the rule modified this way, two alternatives. Or you could have the rule modified with this one and this one, another alternative. So I think you guy are doing a good job.

Lauren Wittorp: And that's as far as we got.

Mike Mitchell: That's pretty far.

Lauren Wittorp: It was a little loud for hearing (unintelligible)

Charlotte Cleveland: (unintelligible)

Lauren Wittorp: it also got super complicated so we ran out of time.

Michael Bias: Well all you got to do is do that for all of it right, (unintelligible) revise it?

Lauren Wittorp: Yeah we still only has 30 minutes though.

Mike Mitchell: Okay so

### **COMMITTEE TALKING AT SAME TIME**

Lauren Wittorp: That's where we started yeah we just didn't get any further.

Mike Mitchell: Is this still group 1 or

Lauren Wittorp: Yeah

Mike Mitchell: Okay

Lauren Wittorp: That was my biggest (unintelligible) we ran out of time

Mike Mitchell: Well I think you captured the major ideas up above so can we move on to group 2?

Don Skaar: Okay just so, because everything said Charlotte, let me explain what we were doing there. So our group is Charlotte, Tim and I and so we were each going to present our own alternative so

Charlotte Cleveland: We didn't get there

Don Skaar: Yeah we only go to hers

Mike Mitchell: Okay, thoughts on those again we're looking at ways to modify now I'm all confused here was it April 19<sup>th</sup> or the April 18<sup>th</sup> rule?

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: What do you guys want to call it?

Michael Bias: Like the April rule or something

Mike Mitchell: Let's call it

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: That's good for me if it is for you. The April rule, okay, so these represent different ways of modifying the April rule.

Don Skaar: Right

Michael Bias: Can I ask a question?

Mike Mitchell: Of course

Michael Bias: So when you say limit number of licenses you mean fishing licenses?

Charlotte Cleveland: Yeah the rule two was curtailing the growth through controlling the outfitters back to the number of trips they took in 2016, 2017. That was the rule as it existed here.

Michael Bias: Okay

Charlotte Cleveland: I'm modifying that rule by saying no let's curtail the growth by going at the group that was 68.9% of the people who were on the river instead.

Michael Bias: Non-resident anglers

Charlotte Cleveland: Non-resident anglers, yes so I was saying you limit, instead of limiting the outfitters, you limit the non-residents, the pool of non-residents.

Michael Bias: So that's excellent because when it says limit number of licenses and then when (unintelligible) no more growth and then it says no restriction on SRP's I was like well, I thought SRP's in this statement was the same as licenses

Charlotte Cleveland: I don't know what that is because he was doing the typing.

Michael Bias: No I understand that so there are two very separate things we're talking about. One is no limit on SRP's and the other is we're going to limit non-resident anglers.

Charlotte Cleveland: If you're saying, SRP's means outfitters

Michael Bias: outfitter, permit holders

Charlotte Cleveland: Yeah I'm talking, or not talking about the shuttle guides, I had no idea the shuttle guides had an SRP so I didn't know

Michael Bias: that's alright. I understand it now, SRP's doesn't mean licenses.

Melissa Glaser: The original rule number 2 was just specific to SRP's so

Michael Bias: SRP's right

Melissa Glaser: (unintelligible) getting rid of all SRP restrictions.

Mike Mitchell: Other thoughts?

Tim Aldrich: I don't want to judge it but there's clean up that needs to be done.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Spaghetti meets wall that's all this is.

Tim Aldrich: Clean it up before (unintelligible)

Mike Mitchell: Right anything else on these ideas? So one thing I'd recommend, I personally wouldn't want my name on anything unless it was really, really good so particularly we're throwing spaghetti, well anything you come up with Charlotte is really good.

Charlotte Cleveland: No I didn't type that in there

Mike Mitchell: Yeah, no, no, no I'm not saying anything about, I'm saying let's not associate alternatives with individuals.

Charlotte Cleveland: I guess the difference was in our group that Don and Tim were okay with everything.

Tim Aldrich: Perfectly fine.

Charlotte Cleveland: I'm the only one that had alternatives to the rules, so that's why my names up there. Pick me out.

Tim Aldrich: I don't necessarily agree with that Charlotte. We ended up, you started of but we spent a lot of time talking about where your starting point was. We didn't even look at other things

Mike Mitchell: That's okay there was a limited amount of time. The point is we don't want to personalize anything here.

Michael Bias: I liked number 4

Mike Mitchell: Group 3, oh I'm sorry Mike was there something else on those (unintelligible)

Michael Bias: I said I liked number 4.

Mike Mitchell: Okay so two year review period. Okay anything else?

Scott Vollmer: We didn't this properly. Basically what you're looking at up there on the screen, if I remember right, is what we could agree on and there was a lot of talk about things we couldn't agree on so that's basically the three of us together putting together thoughts on paper. Not dividing them out based on the rules from April.

Jim Slattery: Yeah we were negotiating.

Scott Vollmer: Yeah we got our hands slapped a couple of times didn't we Jim?

Mike Mitchell: You don't negotiate yet. This is not about identifying which is the best alternative, preferred alternative, this is not about arguing or advocating for any alternative. This is brainstorming alternatives. And again it's in everybody's best interest to have a diversity out there. Right now is not the time to agree on something. Now is the time to say well there's this perspective let's capture that. There's this perspective let's capture that.

Don Skaar: So it is the river stamp user test we did.



Michael Bias: With the idea of anglers that need to purchase a Madison River stamp to fish the Madison and to get that stamp they have to undergo some sort of test like the hunters that, hunter safety style.

Tim Aldrich: Landowners, sportsman stewardship program type

Michael Bias: Something you know small just to make them aware.

Scott Vollmer: Speaks to education.

Lauren Wittorp: But there no (unintelligible)

Jim Slattery: Just angling

### **COMMITTEE TALKING AT ONCE**

Mike Mitchell: I think these are actually pretty good, I mean each one of these represents a different way that, that April rule could be modified. Group 3 don't be so hard on yourselves.

Mark Odegard: Bottom you mean the lower Madison?

Scott Vollmer: Yeah well (unintelligible) the Headwaters.

### **COMMITTEE TALKING AT ONCE**

Tim Aldrich: I've got some concern about putting artificial lures and artificial hook, (unintelligible), I'm not sure that's in our problem statement.

Michael Bias: You know we talked about that and we disagree with you.

Tim Aldrich: Okay

Michael Bias: So there, no I'm glad you brought that up, we talked about it, shouldn't this be covered under the fishing regulations how many every years.

Tim Aldrich: But I do know that's a choke point when it gets to the Commission too.

Mike Mitchell: That's okay, that's just more spaghetti. What we could consider about how to work that into an alternative, think about if we need to backtrack to the problem statement, think about if this is actually within the decision space of the Commission. All of those things so there's nothing wrong with having that up there right now. Any other thoughts.

Mark Odegard: One of the things in this thought, this artificial river, brought up I think both Julie and I talked a little about it and it didn't get put in ours, I proposed single hooks, no barbs, artificial for the whole river.

Mike Mitchell: That's an option.

Mark Odegard: I fished that way over 10 different rivers probably around the US. You don't need barbs to catch fish.

Mike Mitchell: So any other thoughts? (unintelligible) Sarah are you having fun? I can tell you (unintelligible).

Tim Aldrich: We didn't know what your intent was for more time with the same group was to do something because I think that's what cost our group we just ran out of time (unintelligible).

Mike Mitchell: the whole time constraints thing is actually, I mean I know it takes more time than a half hour to come up with good stuff but again we're at the brainstorming point. We're going to be spending more time as we go along refining these ideas. The important thing right now particularly with a small group is to make sure that everybody in the group is getting heard. And if you have limited amount of time to do that it kind of forces you to be efficient. If not everybody gets to be heard that's okay, next go around make sure that what you have to say gets out. But we'll be working on these alternatives and refining them all afternoon. So lunch time. Again same question to you guys do you want a working lunch because we do have a lot to do today. Do you want to break for lunch if you want to break how long?

Michael Bias: 30 minutes.

Julie Eaton: 37 minutes.

Mike Mitchell: How many seconds?

Michael Bias: I don't lunch should be longer than the public comment period. That was bad wasn't it?

Mike Mitchell: All right let's to 30 minutes then. So let's be back in here at 12:45.

## **COMMITTEE AT LUNCH**

Mike Mitchell: Okay, let's get going again. We had another petition to join the group according to the rule, we will discuss and vote on it at the next meeting so when we get together again in a couple of weeks. Don will make sure that everybody has a copy of the petition to consider between now and the next meeting? Is there anything else about that we need to do right now?

Don Skaar: Not unless Julie wants to give some background on this?

Julie Eaton: Nope it was just handed to me, it's one perspective wants to represent that they feel was missing.

Mike Mitchell: Okay, that's good because I'd really like to get into the meat for his afternoon. Had some ideas about alternatives that were put up on the screen. That was some good spaghetti action. I want to break down into groups again and I'm going to mix up membership because again everybody talking to each other and sharing ideas. This is what I'm asking the group to do. We have these two alternatives are a given. Each group will come up with more alternatives and again this is not about advocating for a particular preferred alternatives. It's just like here's my preferred alternative. Any questions? All right let's come up with another alternative and it could be somebody else's preferred alternative, it could be just what you think would be an alternative that other people would be interested in even if you're not a fan. In these next break out groups what I'd like folks to come up with and again we're talking about modifying the April rule, and modification can be rolling it out and coming up with new stuff or subtracting certain things and adding certain things but I'd like each group to talk about with respect to the April rule, how would you change it specifically for this alternative or another one. One thing I can also suggest

Sarah Sells: Lions

Mike Mitchell: Lions, you can see these alternatives are labeled kind of as different strategies. One of them the group came up with was like alright if we had an alternative that just maintained the live population, where it was. What would that look like? If we had an alternative that is like no we just want to reduce lions or ungulates are of concern what would that alternative look like so you can organize this according to different strategies and that would be a good way to organize your thoughts. If I wanted to do this, these are the things that I can think about so organize your alternatives according to strategy, recognizing there's more than one, two, three, strategies out there and making sure that we have a good selection of different strategies to choose from. That's one way to do this. Something else to think about, you saw some ideas that were up on the board. You saw how you can probably pick from different ideas and add them to the same alternative, combine those different ideas into different alternatives so they weren't necessarily mutually exclusive so you can think of it like well you had some ideas about reducing crowding. You had some ideas about allocating permits. You had some ideas about, figure it out and you can think of them that there are lots of different way of solving a problem for alternative. They might range from doing very, very little to doing a lot. And so if you think about education you could start with I'm not going to do anything about education in an alternative but I can also pick increasing levels of education and try those on for size in different combinations with this particular category of information. Okay does everybody see that you know we have these different things that we could do reign you in from yeah, not much to a lot and you can assemble alternatives by saying okay I'm going to match this and this and this, that and let's see how that alternative scores out. And you don't have to do an exhaustive let's play around and mix everything. But this is another way to do it so if you want to take some of those ideas that folks have put up on the screen before and say oh I don't like that one or I think this is a good approach to education or I don't like this approach to education but we can

combine it with this and still do other good things. So when you are picking some of these ideas and compiling them into alternatives that's one way to do it. Is this making sense or am I confusing the issue?

Tim Aldrich: So what we might end up with might be alternatives or things that might be imbedded in a rule but in a rule form they would deal with several of the objectives?

Mike Mitchell: Yeah

Tim Aldrich: in regards to the problem statement.

Mike Mitchell: Yeah, so you're just talking about ways to modify the rule, what would you add, what would you subtract and then we'll see how well, you know what that particular version of the rule implies for all of our fundamental objectives. And we all know there's not silver bullet I keep coming to that so you could, you're more than welcome to try to design the silver bullet but consider other alternatives particularly representing different perspectives. And again this is not about debating anything in particular, it's about developing alternatives that we as a group feel represents the diversity and perspectives that are hard solving this problem. Yeah?

Michael Bias: Speaking of diversity of perspectives could (unintelligible) might be part of this problem? I think we missed one.

Mike Mitchell: Missed one what?

Michael Bias: An objective.

Mike Mitchell: You want to go back to the objectives?

Michael Bias: Charlotte is (unintelligible)

Mike Mitchell: Can I make a suggestion on that?

Michael Bias: Yeah

Mike Mitchell: It's important if you feel like we need to consider another one but we could probably spend a lot more time talking about objectives and I'd like to make progress in the alternatives and

Michael Bias: But, I hear that, I know we got to proceed but this is one I think we just totally missed.

Mike Mitchell: Okay

Michael Bias: And I don't even know if it's a maximize or a minimize and you guys could help me is riparian land owners. We talked a lot about all these different users and all the

different stakeholder concerns that, what if, I mean it's in the Fish, Wildlife, and Parks survey's they surveyed riparian land owners is, I mean that's what they are.

Mike Mitchell: Add riparian land owners right there. Is that what you're thinking Mike?

Michael Bias: Yeah, I think they're a stakeholder or a user or a group

Lauren Wittorp: And that, would that include public landowners too so like FWP (unintelligible) on land?

Michael Bias: (unintelligible)

Lauren Wittorp: Yeah I just wanted to make sure it would encompass not just (unintelligible) but public lands.

Michael Bias: Well I don't know do they have concerns, are they different or do we have to split them out? Are we okay with riparian land owners on this list?

Charlotte Cleveland: Yes

Lauren Wittorp: I mean if (unintelligible) I would add in FWP and BLM's, (unintelligible) to maximize

Michael Bias: Private industry

Lauren Wittorp: Yeah that would

Mark Odegard: Private and government

Mike Mitchell: Are government agencies something that you're thinking about satisfying?

Michael Bias: Does anybody ever think about that?

Jim Slattery: That (unintelligible)

Mike Mitchell: As a government employee I would say probably not but

#### **MIKE B AND LAUREN TALKING AT ONCE**

Lauren Wittorp: The satisfaction could be like what if they don't know we were designing something or our plan had alternatives that they thought were impacting the river

Michael Bias: Right

Lauren Wittorp: and then there satisfaction I think does matter because what if, if something happens to the river because of this plan or not because of this plan they would be blamed.

Mike Mitchell: So you're saying underneath these let's put private land owners and public land owners.

Michael Bias: Private and public yeah.

Jim Slattery: Yeah private and public.

Mike Mitchell: Is that good?

Michael Bias: Because like between the lakes is what Forest Service?

Tim Aldrich: I would suggest that most of the public land owners have tools of their own to deal with things without us having rules to place

Michael Bias: Well in regard to that I was thinking more like from, for example the stretch from Quake Lake to Lions Bridge there's a patch where (unintelligible) there's a fair amount of public on the upper river, left side from Lions Bridge up and all those land owners have concerns.

Tim Aldrich: What would we do to protect them?

Michael Bias: I don't know how do you protect them, I don't know but the point is that, my point was, take the bridge if we implement a rule that says there's no access by boats from Ennis to Ennis Lake we're affecting riparian land owners down there whether we like it or not. What that affect is going to be I don't know if their satisfied or unsatisfied, I don't know.

Mike Mitchell: Does everybody agree we need to be thinking about riparian land owners in the objectives?

Tim Aldrich: This was mentioned to me as well so I'm sensitive to it but I also know that in the beginning we talked about that.

Jim Slattery: Yeah I brought it up.

Tim Aldrich: But we talked about it when we were designing the parties of interest.

Michael Bias: Yeah but this is a fluid document right? I don't recall

Tim Aldrich: Let me finish Mike please. Much of the concern that I've heard of is trespass which is outside of our purgatives to (unintelligible) the rules that are already in place in law under agencies. And the other one I hear is more of a, I just don't like the landscape with all these boats around these waders going by my door, my yard, my dog barks at them. What do we do for them?

Michael Bias: I don't know what the heck to do with that Tim but I'm saying that the rules we're going to, the plan we're going to come up with is going to affect that group (unintelligible).

Mike Mitchell: So that's why I'm asking, riparian land owners or not? Everybody good with riparian land owners? Okay do we want to split them out between public and private?

Jim Slattery: Yep

Melissa Glaser: (unintelligible)

Michael Bias: I don't know

Jim Slattery: I think we do

Michael Bias: I think the issues in regard to the Forrest Service and in regard to Sun West land owners are going to be different and maybe a plus and minus different.

Mike Mitchell: Split them up?

Jim Slattery: Yeah

Mike Mitchell: Okay, we can always collapse them again later. All right we good on that Mike?

Michael Bias: I'm great yeah

Mike Mitchell: Okay. Moving on. Back to what I'm asking the small groups to do again how would you modify the April rule and what would you add to it, what would you subtract to it, what alternative ways would you come up with that would reflect different ways of solving the problem each of them addressing specific perspectives. Again you're advocating for yours, your just making sure that yours is included. So let's go one, one, two, two, three, three, one, one, two, two, is that going to work?

Scott Vollmer: Everybody that's a one hold up your hands.

Mike Mitchell: Everybody who's a one hold up your hands. Too many ones. Two hold up your hands. Three hold up your hands.

Tim Aldrich: I think we missed a stitch over here.

Mike Mitchell: One one, two th

Melissa Glaser: two three

**COMMITTEE TALKING AT ONCE**

Mike Mitchell: That's like the eighth facilitation fail today. So one two three? Let's have group one over here, two there, three there and let's look to get back together in a half hour at 1:30

Scott Vollmer: Mike I have a question. Group 1 did it where we have it alternatives rule one and then the adjustment or if there're not any adjustments is that the way we should do it or just list them as bullet points.

Mike Mitchell: You know I think it's an idea thing right now and so, I mean again this is going to lead to the revision you will work with

Jim Slattery: I guess we go over there huh?

Mike Mitchell: So how do you envision revising the April rule if I add this, I'd subtract this, or I'd do this. How you capture that isn't as important right now.

Scott Vollmer: Perfect that answers.

### **COMMITTEE IN BREAK OUT GROUP**

Mike Mitchell: Groups if you can go ahead and start rapping it up and getting your thumbs drive to Sarah. I'd appreciate it. Okay has everybody handed their thumb drives to Sarah? Group 1? Group 3? Work that is not what we're here to do. So you got all the thumb drives? So that looked like some really good discussion, going around and seeing some of the ideas that folks were sharing. Some of the alternatives you were beating into submission so nicely done. We'll have them up on the screen in just a sec, no pressure Sarah. All right group 1, so how much,

Sarah Sells: There's multiple pages

Mike Mitchell: Nice, so group 1 you anybody want to step us through what you came up with?

Lauren Wittorp: We did the same thing that group 1 did yesterday (unintelligible) listed alternatives that we had.

Mike Mitchell: Okay, oh so each of these

Lauren Wittorp: Yes, or I guess a couple of them rule as it as in status quo (unintelligible) April rule and the other ones (unintelligible).

Mike Mitchell: What's with A? I'm probably being clueless here.

Lauren Wittorp: This is an A and a B to rule 1 number 1, there's an A and a B.

Mike Mitchell: Each of these are modifications to each of the rules?



Lauren Wittorp: Correct.

Mike Mitchell: Gotcha okay

Lauren Wittorp: You told me that was okay?

Mike Mitchell: Yeah, want to keep scrolling down?

Lauren Wittorp: Some of it gets into where it says like keep this we're planning to keep that rule, it was helping me to just keep track of where we were not (unintelligible)

Mike Mitchell: Okay, is that the end of group 1? Group 1 was productive. Did your fingers get tired from typing?

Lauren Wittorp: There just slightly (unintelligible).

Mike Mitchell: Keep going? Scroll down? Scroll down? When you have keep this, get rid of this, those are two alternative?

Lauren Wittorp: Yes.

Mike Mitchell: Okay

Lauren Wittorp: Sorry (unintelligible) (**can't hear Lauren clearly**)

Mike Mitchell: I think (unintelligible). Scroll? Okay.

Lauren Wittorp: You can keep scrolling down that's just the language to the April rule. (unintelligible). Yeah it wasn't what I figured (unintelligible) come out of this group.

Mike Mitchell: That's okay

Lauren Wittorp: Just to clarify yeah.

Mike Mitchell: Scroll? We can only scroll by consensus.

Sarah Sells: That's the end of this group.

Mike Mitchell: Group 1? Questions for group 1? What's that?

Julie Eaton: Shell shocked

Mike Mitchell: (unintelligible). That was really good work. Thanks guys. Let's see how group two did. No pressure group 2. Anybody want to sort of summarize?

Scott Vollmer: So what we did is obviously went down through the rules and many of us in our preferred alternatives were the same so where you see or is the same as group one just did with different alternatives. We didn't put the language from the April rule on their obviously

basically when you see rule 1, three bullet points, those three bullet points for each of us and our preferred alternatives they were the same. When you see rule 2, no commercial cap on SRP's, or means that was one alternative for a change in rule 2 or another different alternative is being (unintelligible) for rule 2. Most of them are pretty similar. Lower Madison we defined as Warm Springs to the confluence to the head waters for the glass bottles.

Mike Mitchell: Scroll? (unintelligible)

Scott Vollmer: And then we added in, you can see rule 5 these are new ones, like Mike was saying the pluses to the list and the same deals if you see an or different alternatives, if you see a bunch of bullet points it's stuff that we all had for an alternative.

Mike Mitchell: Scroll? Okay? Questions for group 2?

Don Skaar: What's the vessel permit trying to address?

Melissa Glaser: For boats that aren't SRP, they don't have an SRP permit, (unintelligible).

Don Skaar: I'm sorry?

Melissa Glaser: It would be anybody else besides commercial users.

Don Skaar: Yeah, so I guess I was wondering what problem you were trying to address with that?

Melissa Glaser: I think it just allows an opportunity to (unintelligible) for one and maybe keep tabs on who's using the river, more data. And additionally it's needed to do the (unintelligible) testing. So in other words (unintelligible) boat etiquette test.

Tim Aldrich: Did you have any particular thing you trying to address in the alternatives you proposed?

Melissa Glaser: Education and biological (unintelligible).

Tim Aldrich: Was there a theme (unintelligible)

Melissa Glaser: Are you talking specific to the use permits or the entire alternative?

Tim Aldrich: You see in the legislature arguing over that big time right now for AIS things so it's a hot issue. No I was just, the overall suggestions, was there a theme that kind of when along with the collection of collect data.

Melissa Glaser: I think data capturing and education.

Tim Aldrich: You'd have to have new rules kind of solution.

Mike Mitchell: Any questions for group 2? I'm sorry go ahead Don.

Don Skaar: On the River Rec Manager, so what would you be wanting them to do different (unintelligible) be more on the scene or different than

Michael Bias: Different than what? Than Andrew?

Don Skaar: Yeah and Cheryl

Michael Bias: For one it's the Madison specific, there not (unintelligible) across three rivers. I think that was my impression, it's a lot of, Andrew is quite busy covering the Big Hole, the Beaverhead and the Madison and so

## **COMMITTEE TALKING AT ONCE**

Scott Vollmer: So one thing that we talk about to give an example. It's a story I'll try to keep it under five sentences is the, when there are, when there's a lot of days on the Big Hole that, let's just say, I hate to stereotype but let's just say it's a citizens day in a reach and you've got a group of several rafters that come down on the ramp and all the rafts are on the ramp and it's totally blocking up that ramp. Me if I'm personally recreationally fishing, if I approach that person and talk to them even if it's polite a lot of times that interaction can turn negative very quickly. It's a totally different scenario if it's somebody in FWP initiating that interaction if that answers.

Don Skaar: Yep

Scott Vollmer: Gotcha.

Mike Mitchell: Anything else for group 2?

Scott Vollmer: Not somebody walking around looking for things although that's part of their job but just helping out the general public. Education.

Mike Mitchell: Okay. Anything else? Group 3. Anybody want to summarize for us? Go ahead.

Tim Aldrich: No I

Jim Slattery: Not me

Tim Aldrich: Where's Mark. You wrote it.

Mark Odegard: I'm one of the major objectors to a lot of this.

Mike Mitchell: Well if you aren't objecting to some of the things your saying we're probably not doing it right.

Mark Odegard: So the (unintelligible) 2A and 2B, the rules says I think its 5 or 10 per outfitter but if outfitters haven't used 5 in the past two years then you're limited (unintelligible) the maximum (unintelligible). Number 3 part of 3 is allowing outfitters to transport people down the river for bank or wade fishing basically and we didn't like rule 5 for various uses, number 5 of number 3.

Mike Mitchell: Nothing wrong with disagreement within the group.

Mark Odegard: I personally look at more of a strategy like we showed you earlier where you have a strategy and then alternatives to achieve that strategy.

Don Skaar: Mark why did you want to throw out the whole SRP process?

Mark Odegard: Because it doesn't really address the problem to me. Restricting just the commercial users doesn't relieve overcrowding on the river.

Scott Vollmer: Does that mean the SRP ceases to exist in its entirety or the SRP ceases to exist as it was in the April rule?

Mark Odegard: Just the rule

Scott Vollmer: the April rule, I thought so just wanted to ask.

Don Skaar: Oh, okay.

Mark Odegard: As an example what happens when we get as many twice as many private boats on the river then we have commercial. What are you going to about it? What happens when we're standing shoulder to shoulder between Ennis Bridge and Valley Garden? That's something that isn't address anywhere in these rules.

Mike Mitchell: Other questions for group 3?

Scott Vollmer: Is that it Sarah or is there more?

Sarah Sells: That's it.

Scott Vollmer: Thank you.

Mark Odegard: That's the only one we got to. (unintelligible)

Tim Aldrich: This was just pulling together cases that are in the draft rule from April 19<sup>th</sup> and proposing some modifications, not (unintelligible) saying okay here's an option under 1, 2, 3, and 4. That's all it that was, there's not a preferred alternative under anything.

Mark Odegard: Some of the stuff that was in rule 2 I'd like to see. I like, I think we're going to get permitting everybody at some point, I'm not sure what point that is and if you do

that then you have various ways because a non-resident users probably only going to use one or two weeks a year. You're restricting a huge, all of them, to having a just few permits, whereas maybe you really want to break that up by week or month or something but

Tim Aldrich: But that was not part of our recommendation, that was just discussion.

Mark Odegard: That's my estimate. But I think we're going to get to a permitting point for everybody.

Mike Mitchell: Other questions for group 3?

Melissa Glaser: Now on the rule 3 number 2 A and B I just want to make sure I'm reading it correctly so number 2-310 the permit holders are not to exceed a maximum daily number of 3 trips between Quake to Lions so you're revising that to show whatever they used in the last two years to restrict them to that max is that what that says?

Jim Slattery: Yes

Melissa Glaser: And then the second option is the same thing if it's less than 10 rather than 5? So you're limiting it to 5 or 10 based on their mx number trips?

Mark Odegard: (unintelligible) during the summer months, warm weather months.

Jim Slattery: So in other words if in the past two years no one used two days or two trips a day then that's what you're going to get and the same thing with 10, you only use 5 trips a day and that's all you're going to get essentially.

Tim Aldrich: This kind of follows from the, some of the information that was proposed by the outfitters during those commission meetings they talked about the rule as it was drafted was not going to even hold at the line is was going to expand potential use very, very dramatically during those periods. So this is was what I mentioned yesterday and that was just an idea if you said okay if you want to level it out then you can't have more use than what you got right now so if you live with the 5 and the 10 then you said those people who didn't have that much, there's a hell of a lot of people that don't have 10 a day. It would be a way to really slow it down.

Michael Bias: What if you have 12 or 13 so you're max in the summer time was 13? Do you get 13 and the guy who only has, the (unintelligible) outfitter only has 5. So this is outfitter trips per day based on their historic use?

Jim Slattery: Essentially to a cap of 5 and 10.

Michael Bias: Oh so if you get 13 you only get 10 right?

Julie Eaton: And that's to reduce the number of trips over all, is that what that's for?

Jim Slattery: Yes

Julie Eaton: Because you know that the 13, the 3 will go to someone else (unintelligible).

Jim Slattery: Well not necessarily because if they only had, under this plan if they had, only had 6 then that's all their going to get the next year.

Mike Mitchell: Okay we're not at the point of evaluating it yet.

Julie Eaton: It's a question.

Jim Slattery: It's a very good question.

Tim Aldrich: If you get into the numbers and you look at those three months of areas or whatever it is, it's all in the EA there lots of other places I guess. There's a hidden number outfitters that have small amounts of use but I don't have the actual records, we don't have them. I think if you want to do this mathematically you have to look at what's really in existence right now. See how it is oh and play out if you wanted to keep that level of use the same. You need more data than we have there's no doubt about that. But it is available.

Julie Eaton: I've seen it. I have it.

Don Skaar: So I'm curious why you guys didn't apply that to 3 and 4 to the other sections?

Jim Slattery: I think we felt that those numbers were sufficient.

Don Skaar: I'm sorry?

Jim Slattery: I think we felt that those numbers were sufficient (unintelligible). And when we got to this other section (unintelligible) just another alternative that we're throwing it up here on the wall. Spaghetti.

Mike Mitchell: Other questions for group 3? Okay hearing none.

Melissa Glaser: I actually have a question maybe more for Don. Would this make it really difficult to, there's three different sections in here and as the plan was written they're going to pull an SRP holder and say you had 5 trips in this section that's all they got, they have 10 trips in this section that's all they got for that section, is that hard to do? It seems like it would be really cumbersome.

Don Skaar: I'm probably not the

Julie Eaton: It's guy in the chair over there.

Don Skaar: He'd be the one to ask.

Tim Aldrich: You mean to

Julie Eaton: Behind him.

Tim Aldrich: You talking about the 5 and the 3 or the 10 and the 5

Melissa Glaser: Yeah limiting sections, I guess when you're talking about, this is the SRP so, (unintelligible)

Jim Slattery: You know a lot of this was based, all of its based except the last ones based on the existing proposal (unintelligible) so that's the framework from what we wrote this. I'll ask this question, is that average, if they only averaged three days, is that average three trips a day is that or is that the most they had in one day, I don't know? I'm just asking that question.

Melissa Glaser: We got rid of that ruling in its entirety and you guys did too. I don't know, you know

Don Skaar: Is your question about the enforceability?

Melissa Glaser: Yeah

Don Skaar: If you're okay I'd like to ask Chris that.

Chris: In terms of enforceability I'd probably take it to the Board and in terms of actually administering it and setting up what outfitter would get how many launches per day. It would be a cumbersome process but it's doable.

Tim Aldrich: We thought about that yesterday a little bit. If you have to look on the historical data and that's all you have that would be after the fact to be able to have so it's not a real upfront methodology. You know the three there, the permit holders are restricted from Lions Bridge, fishing access up to Ennis which is the most popular reach and that's

Michael Bias: that you're allowed to float.

Tim Aldrich: What's that?

Michael Bias: The only place you're allowed to float.

## **COMMITTEE TALKING AT ONCE**

Tim Aldrich: At any rate the data would be available off the SRP records what was actually done during that period of time so you'll, that's why I say you'll have to get more time. That's why I say you need to get more data and look at what does this really have to do. To do it without taking a close look or even think about it seriously without taking a close look at what

that really meant, not only each of the user groups you know, so on and so forth but overall you know again it assumes and I still have a hang up a little bit about needing to have some sort of guidance like purpose and need objectives you know that we build around, in order to make these things fit someplace we kind of agreed not to have that so I think it really throws the door wide open in terms of what you might do achieve something the various objectives that we had.

Michael Bias: I think that all this trips by reach, by outfitter, by which day is all available. Every outfitter fills out their reports, this gets back to, it's kind of how they enforce on the BHT to where it's, you can't evaluate this or enforce it till you turn the reports in at the end of the year. So the Warden on the street or the Warden at the ramp.

Julie Eaton: And the cameras

Michael Bias: You can't like look at anything and say oh your 10 trips over it comes in as a reporting, a clerical issue, enforcement issue and when you're going through permits did he do, oh, look he did 13 trips on July 5<sup>th</sup> at Lions and he's only supposed to do 10. So my point was information's there, historic information on which each outfitter that is there and through our recording process you'll be able to evaluate this at the end of the year.

Tim Aldrich: A lot of this just doesn't make any sense and let's just say what are we shooting at?

Julie Eaton: That's my question to Jim for 2A and B. What's the rational again? What's your purpose for 5 and 10 or Tim?

Tim Aldrich: What was my objective?

Julie Eaton: Yeah or, who did A and B or whoever did it.

Mike Mitchell: Which ones are you talking about?

Julie Eaton: Rule 1 A, 2A, 2B?

Mike Mitchell: Right here?

Julie Eaton: Yeah, what's the goal there?

Tim Aldrich: 1A was again you know, in order to basically look at what was proposed in that reach from Quake to Lions Bridge for floating to wade.

Julie Eaton: Yes

Tim Aldrich: It was just to free up you know more I guess latitude for the people that wade in or walk in to have that to themselves for you know, that's, that was the whole objective I believe.



Julie Eaton: So to reduce

Tim Aldrich: We had the two areas you know where we said you know we're going to propose this

Julie Eaton: Yes

Tim Aldrich: And I, there's a, yeah, put everybody on equal standing in terms of how you got there.

Julie Eaton: So keep but modify to limit max used last two years if less than five. That's my question. What is that trying to do.

### **COMMITTEE TALKING AT ONCE**

Tim Aldrich: Rule 3

Jim Slattery: Yeah rule 3

Julie Eaton: Rule 3, 2A, 2B, Yeah sorry about that. What's the goal of the time of year for 5 and the time of the year for 10 what's the overall ambition?

Tim Aldrich: Yeah the use is very much lower during that winter period you know from the end of September on through you know June 15<sup>th</sup> or whatever so I don't know, I took that right out of the draft rule.

Jim Slattery: I think he's trying to use it as a way of capping use.

Julie Eaton: But so you're saying that those two rules cap where we're at.

Jim Slattery: That's was yeah

Tim Aldrich: If we can think back the purpose and need statement in the draft you know that we all looked at back in April, it was not to reduce use it was to stop the growth.

Julie Eaton: right

### **TIM AND JULIE TALKING AT SAME TIME**

Tim Aldrich: All I was trying to do was to put some kind way of backing away from what you often pointed out to all of us you know that the way it was drafted you know without that change to something other than 10 for most people that have 3 for the whole season.

Julie Eaton: I'm clear, yeah but you're capping where we're at by those two rules gotcha.

Tim Aldrich: That was the attempt to move that direction

Julie Eaton: Yeah

Tim Aldrich: (unintelligible) very limited

Julie Eaton: Yeah

Jim Slattery: It's a mechanism

Julie Eaton: That's all I needed, thank you.

Mike Mitchell: What else for group 3.

Don Skaar: Did you need clarification

Mike Mitchell: Oh yeah people mentioned the Wardens so do you want to hear from the Warden on the enforceability question?

Scott Vollmer: Love to.

Don Skaar: Yes like 5 minutes ago.

Mike Mitchell: This conversation still applies.

Unidentified Speaker: So Mike has it pretty clear but just to be clear the River Rangers role is to basically enforce those rules on launch restrictions and days or allocations that's the main role of a River Ranger which was Andrew Puls so he's out there collecting data on which guides or outfitters are launching where. And then later on we're matching that data up to outfitter records over the winter and then those, as Mike said, as Mike said the bookkeeping errors are addressed, individually for each outfitter. The Warden that would be out there does some of that themselves but they're there more for the immediate issues from life jackets to fishing licenses. There's rules on guides and outfitters, for first aid, having commercial use licenses, things like that. That's what the Warden collects immediately, but they also report a contact back to our River Rec program and then they compare with bookkeeping at the end of the year so that's when it's caught. It wouldn't be the river ranger or the Warden on the river going hey, I know you're over your limit today and kick them off the river. It would just be, nice to meet you, collect your information and about 6 months later it would be addressed.

Mike Mitchell: Thank you

Unidentified Speaker: Yeah

Mike Mitchell: Okay so this is all your bailiwick not mine, strikes me as I'm seeing a big diversity of ideas up there, different ways of approaching solving this problem. I'm curious how it strikes you.

Julie Eaton: It needs a lot more

Scott Vollmer: Refining

Julie Eaton: Refining, yeah, I mean it's just like the first spaghetti on the wall.

Mike Mitchell: ~~Yeah okay, I'm just curious when it comes to refining and this is just part of the rule making process. How is that done when we have ideas, when it comes to fleshing them out. I'm just curious how far this Committee is going to need to get when it comes to defining its alternatives.~~

~~Jim~~ Slattery: I think we're just scratching the surface right now. Probably more groups and then we're just going to have a round table I think.

Mike Mitchell: When you say, I'm sorry

Jim Slattery: No go ahead.

Mike Mitchell: Well I was thinking when you say scratching the surface are you saying not enough detail in the alternatives or we don't have enough alternatives.

Jim Slattery: I think both.

Mike Mitchell: Okay

Jim Slattery: I think both, I think we're just beginning.

Mike Mitchell: Okay,

Jim Slattery: That's my thought

Melissa Glaser: I think it would be helpful to have a defined strategy.

Mike Mitchell: Okay

Melissa Glaser: I think Tim was the one who asked what this group came up with, what we were calling it. That helped me even as I was typing, what am I focused on as my strategy in this alternative.

Michael Bias: That was helping me as well. I have, I'm challenged by some of this and what Julie was getting at with Tim was what are you trying to get at with number 2 and finally it's like we're going to cap use at what it is now, okay. In my mind I'm already going well there's different ways to do it, are you going to do it through the number of SRP's or are you going to do it through the number of launches per outfitter per day or are you doing to do it through number of days for each outfitter over the year, similar like a BH2, there's a lot of ways to get at this and knowing what you're trying to get at is a good way to determine how to get there. So I think you know with the glass bottle thing you're trying not to have glass on the river, okay no glass. That ones the easiest so when you get to your, well with Marks this gets to

me when let's cap all use, how do you do that? Well I think a hundred dollar boat permit on non-commercial boats is a darn good way to get to limit the boats or one way right?

Jim Slattery:            Yeah

Michael Bias:            We can get there and so knowing a target is going to help on which alternatives to address to get to that point. And I think one of the rules in here, the one that included rest and rotation is kind of a hodgepodge. We're going to have, you know alternate every day of the week and then oh yeah we're not going to have any boats on the lower, it's confusing as you go through there instead of let's look at number of commercial boats or trips over user days or define that somehow. We talked earlier about it's sometimes helpful to establish some sort of carrying capacity, know the target (unintelligible). And knowing, one of the things I said was up to my group was for many of you guys on the Committee, people on the Committee, knowing how to get there hey this is what we want to do but the intricacies of the SRP is hard to understand the ins and outs of it so we can help you with that for example how to enforce number of launches per day per outfitter. That's not what we're recording until the end of the year.

Tim Aldrich:            For me the problem statement and the way we worked at that, we get a fairly big picture of our target. What is it that we're here about? And then when you tack the objectives to that you know you say well here's how we're going to measure movement in that direction so without some sort of, so you read the problem statement is there, is there a purpose and need kind of statement that you need to make in order to say yeah, and I think that was very clear you know in the draft we received from the 19<sup>th</sup> of April. They clearly and the EA said it and it was repeated basically in the draft rules but to look at all these alternatives you know you have to really measure it against the problem statement but probably the way we characterize that with a whole bunch of objectives. What does this do for the non-commercial fisher person? What does this do for the commercial fisher person?

Julie Eaton:            Then start out what does it do for overall capping where we're at

Tim Aldrich:            If that's one

Julie Eaton:            Yeah if that's one

Tim Aldrich:            If that's one. We haven't said that.

Julie Eaton:            Well also all of what we've done is just go off of the April which is only one little part of our whole problem statement. There, because that was one of the problems with the April it only looked at commercial really outfitters and guides. So our problem statement has tons of stuff in it that this will not going through the April statement will not touch on so we've got all that to go through.

Tim Aldrich:            I agree.

Julie Eaton: This is just the narrow.

Tim Aldrich: The purpose and need statement and then you see how did they propose to address this with these four rules.

Julie Eaton: Yep

Tim Aldrich: It was, and it did focus like you say, it was all under commercial user.

Julie Eaton: Yep

Mike Mitchell: I think that's a good point and that's part of the reason you belabored the problem statement as much as you do because if you think a particular existing or status quo situation is clearly too narrow to narrowly define it. We need to think more broadly, that's where we decide it. I think that's a really good point. Yeah

Mark Odegard: I would like to mention technology for example I think we have the technology today we could count every boat floated on the river and how many launches by setting, putting chips on the boat and having chip readers.

Julie Eaton: There you go. Then I don't have to do my report right?

#### **COMMITTEE TALKING AT ONCE**

Mike Mitchell: Wasn't there an objective about bureaucratic hassle?

Julie Eaton: I love that. Send

Mark Odegard: If you go to a place like Houston they have toll roads. I have a thing on my car, I drive through it they charge me 75 cents.

Scott Vollmer: And Andrew and Cheryl (unintelligible)

#### **COMMITTEE TALKING AT ONCE**

Mike Mitchell: You may be on to something there.

Tim Aldrich: For me the reason I try to put some more words in our problem statement you know the thing that came out of the exercise done between 2008 and 2012 you know relative to (unintelligible) how do you feel about this you know and if it weren't for that you know I as a Commissioner would say what the hell am I doing here you know. We don't have a biological problem so what are we doing here. So part of what we either accept or don't accept you know is we need to do something about some of those things, you know. And we've got a way to measure it but to build a frame work you know that lets you say okay where are the opportunities to deal with this and do they looking at those options you know does it address the objectives and patiently repeatedly put on the wall and discuss and so forth so this is a tough exercise for me

simply because I know very well what was in the alternative from April 19th and I voted to not send it out to the public and I took away from that some conversations with a number of people that you know some of the issues with crowding. There are some alternatives you know but if you don't know where you're going you're likely to get there.

Mark Odegard: I've got a slide about that. Most people don't know where they are going until they get there.

Mike Mitchell: Story of my life.

Tim Aldrich: Well we take the problem statement and the objectives and say okay what does that read, what does that translate to in terms of actions that might be possible.

Mike Mitchell: Okay that was really, that was fruitful. What I'd like to do right now is take a 10 minute break. We're going to print out what everybody, all the three groups, what you contributed and we'll get back together and start doing some of that fleshing out that people are saying needs to be done.

### **COMMITTEE ON BREAK**

Mike Mitchell: Let's get rolling again. Okay who are we missing? Okay missing Lauren oh no we're not. We got Don, we got Tim, we got Mike. Okay again this is your bailiwick not mine but I'm just curious from your perspective did everybody see something they liked? Tim, we're you asking to talk or are you just saying I saw something I liked.

Tim Aldrich: I saw something I liked.

Mike Mitchell: Okay, did everybody see something they liked?

### **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell: Did everybody see something that made them uncomfortable.

### **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell: That's funny, so few people were like, yeah I liked it and everybody's like yes uncomfortable part. Okay that's good, if we're not pushing comfort limits we're not getting the job done so I feel good about that. Was, did everybody see their perspective captured in one way or another in the alternatives that were on the screen that have been handed out to you to some degree?

Jim Slattery: Some degree

Mike Mitchell: Okay, did anybody feel like nope, I didn't see anything representing my perspective up on the screen?

Julie Eaton: So while we're waiting for that to come around can I ask a question?

Mike Mitchell: Of course you can.

Julie Eaton: Because we have so much that's outside the April plan in our problem statement

Jim Slattery: Yeah

Julie Eaton: should we get after that now or are we just staying on the narrow course.

Mike Mitchell: Get after what?

Julie Eaton: Because in the April plan that's what we're working off of, it doesn't address, it only has one narrow part in our problem doesn't address a lot of the things. Should we stick on our narrow course or do we need to start getting after the rest of our

Mike Mitchell: Yeah I think that's a good question.

Jim Slattery: That's my question too.

Mike Mitchell: I don't feel like, okay this is my opinion, this is up to the group. I don't think you are constrained by saying the April rule, so from my, yeah but from the river I said how can we completely scrap it. That can also mean adding gobs of stuff to it and that's fine. I really encourage you to think creatively about that. So to answer your question Julie yeah I think it's critical that the alternatives you evaluate actually address the problem statement the problems that were stated that actually have the potential to address the fundamental objectives okay. That's a good question thanks. Here is what I'd like to do now. Let's get together in the same groups. One thing I want to encourage everybody to do and again you guys have a better feel for this than I do because this isn't my backyard but get together and develop alternatives and I like the way you did it where it's like you know rule 2 keep as is, you know having these alternatives now let's organize them. Let's sort it out. Okay this is the rule 2 we're going to propose in this alternative and the bullets are fine as long as it's clear enough about how you're talking about modifying that particular rule. But again if you want to use the strategic thing it's like okay if our strategy were to whatever these are the things that we could do, alternatively if our strategy were to do this these are the things that we could do and each of those strategies should represent the different perspectives that are here in the group. One thing I can't emphasize enough is if you're not seeing your perspective represented in an alternative as in that's an alternative that I feel like represents my point of view and the people I talk to that needs to be captured. We need to really make sure we get that. So if somethings missing it's in everybody's interest to make sure it's captures. So look really hard at these alternatives and say for a particular one yep that nails it for me. And everybody should feel like that's the case for at least one alternative. And then there are going to other alternatives up here that you're like yeah I'm a little uncomfortable with that, I'm a lot uncomfortable with that and that's okay. So yeah

Julie Eaton: Can we get our objectives so we can, our new objectives?

Mike Mitchell: We can do that.

Julie Eaton: then we know

Mike Mitchell: Yep. So let's go ahead and break up into groups, let's do a half hour if we can, if we need more time we'll take more time. I definitely want to make sure that we have time to talk about what will happen over your two weeks until your next meeting.

Tim Aldrich: We're going to come out with one alternative out of this.

Mike Mitchell: No

Tim Aldrich: Okay

Mike Mitchell: You can come out with as many alternatives as they can devise. If one is it, one is it but it doesn't have to be this is what, it really shouldn't be this is the alternative this group wants or advocates for.

Tim Aldrich: So the three of us or whatever four of us indicate this is what we want.

Mike Mitchell: No they can represent all right Tim says this is what I want, Mark says okay well this is an alternative I want, and you're working on it together. Any questions before we do this. Just a reminder folks in the back of the room, I see we've added some people, what I'm asking to do is when they're in break out groups there's no talking in the back. If you need to talk that's great please go upstairs to do it. We need to make sure that it's quite enough for people to hear each other and work. Is that all right? Okay thanks I appreciate that. All right. It's 3 we'll get together again as a group at 3:30.

#### **COMMITTEE IN BREAK OUT GROUP**

Mike Mitchell: Okay. This latest round of discussions did we make progress?

Scott Vollmer: Mike will you grab that for me please?

Mike Mitchell: What?

Scott Vollmer: The audience chair. I'm going to give it back to the audience.

Mike Mitchell: Okay, put them on the screen. All right so group 1, how many alternatives did you come up with.

Lauren Wittorp: Four

Mike Mitchell: Four? Do you want to explain your thinking or just let people read?



Lauren Wittorp: Let people read and then ask questions if they want.

Mike Mitchell: Okay

Lauren Wittorp: I'll say some of them have like sort of vague things and then where you'll see like for instance right there is a whole other time frame something, there are missing details on some parts but

Mike Mitchell: Kind of a place holder.

Lauren Wittorp: yeah

Mike Mitchell: We'll get to that?

Lauren Wittorp: Yeah

Mike Mitchell: Gotcha. Scroll down? Questions for group 1? Hearing none should we move on to group 2? Okay group 2. So it looks like you kind of got three different strategies.

Scott Vollmer: Yeah

Mike Mitchell: On those, okay, want to explain your thinking on that?

Scott Vollmer: Rule 1 for all three is the same. Rule 2 they vary across. Rule 3 they're all the same. Rule 4 we'll have to scroll down to but they're different.

Sarah Sells: Ready for that?

Scott Vollmer: If everyone's ready. Rule 5 we didn't get the highlight underlined upon top but rule 5 is basically Madison River Use Stamp and those ones vary slight, the first two alternatives are the same so that's the left column, middle column. Right column differs.

Melissa Glaser: Right column added the river etiquette under boating test required to get your vessel permit and stream access.

Mike Mitchell: Group 2 you were

Melissa Glaser: They're all the same things but just different (unintelligible)

Mike Mitchell: Okay. Questions for group 2?

Scott Vollmer: So left column no additional rule, middle column no additional rule and right column that's the vessel permit as part of that alternative and then the bottom one rule 6 is the same across the board.

Sarah Sells: Scrolling down

Mike Mitchell: It just keeps going

Scott Vollmer: Rule 7 same across the board, 8 (unintelligible) and rule 9 on the third alternative basically speaks to a commercial cap.

Mike Mitchell: Questions? Okay my understanding is that group three had a computer crash and killed all of their work.

Julie Eaton: Their dog ate it.

Mark Odegard: The first caption was floundering.

Mike Mitchell: Any thoughts from your deliberations that you haven't seen captured so far?

Mark Odegard: (unintelligible), what I remember. There was Jim's one that hit a lot of them was limit how we (unintelligible) commercial use and non-commercial use limiting commercial use was to have a maximum number with at the beginning with a pool maximum number and non-pool was distributed to current users. The pool was for new users or (unintelligible) outfitters license as people stop using their allocation it went back on the pool but the maximum number was limited, if you stop your whole business it all went back in the pool. I don't know Jim might have something to add.

Jim Slattery: That's pretty accurate. That's something that I've heard throughout the valley is maybe a way to regulate the cap (unintelligible). Then something I also heard today that might be pretty cool is anyone that wants to float the river that's not commercial they put in for a permit, you get a number and it's either an odd number or even number. And so basically if you're an odd number you get to fish the top half of the river, if you're even number you get to fish the bottom half of the river and then on the next day they switch. So the even number goes to the top of the river and the odd goes to the bottom half of the river. I think those are the two main ones that we talked about.

Mike Mitchell: Questions for group 3?

Michael Bias: Yeah, is it when you said cap and limit a couple of times is that SRP holder numbers is that number of trips, number of days?

Jim Slattery: I think its number of trips would be allocated under historical use.

Michael Bias: And then

Jim Slattery: I mean this is what I've heard from outfitters and you know, just trying to

Michael Bias: I just didn't know if you meant SRP's or number of days, number of trips. And where's the upper and lower half of the river?

Jim Slattery: I don't know that's someplace that would have to be figured out you know. I'm not sure. I don't have enough experience on that section of the river. I'm sure there's some midway point.

Michael Bias: Yeah.

Mike Mitchell: Anything else for group 3? Okay what I'd like to ask you guys to do. This is looking forward to what we can be doing over the next two weeks. You've seen the decision analysis for the lion group. I'd like to take us a step in the direction for the decision analysis that we're going to do. I want to be really, really, really clear about this though. That what I'm about to talk about is not about making a final decision based on what we have right now. Right now is a learning exercise so that we can start to think through any more work we need to do on the alternatives but also how we're going to score out the alternatives. To get to that pretty colored table. So what we're talking about is just an exercise. We are not talking about anything approaching final decision analysis. So what I'd like the group to do is given some of the ideas that are put up on the screen let's pick four or five of these alternatives that we're going to play with over the next couple of weeks and I don't care which ones. It's probably most beneficial as a learning exercise to pick five very different ones. So what I'd like the group to do is decide which five people want to play with for a couple of weeks. And again diversity is the best part of this learning exercise.

Lauren Wittorp: You want us to start saying them based on (unintelligible)?

Mike Mitchell: Sure

Lauren Wittorp: The alternative 1 up there

Mike Mitchell: this one?

Lauren Wittorp: Um hmm

Mike Mitchell: Okay. Look like it would be interesting to compare to other alternatives. Okay so let's use group 1 alternative 1. All right let's pick four more.

Michael Bias: Can I ask a question on alternative 2? Under your citizens days, two or three days a week on the walk wade sections keep the current rule. So as it is now that whichever day is Montana residents only between the upper walk wade section?

Lauren Wittorp: I think that's what

Charlotte Cleveland: It's on both walk wade sections if that was your question

Michael Bias: For two or three days a week?

Charlotte Cleveland: I haven't, I just know I want a citizens day but I don't know how many.

Michael Bias: So like Saturday their on both sections?

Charlotte Cleveland: I really haven't fleshed it out, I just knew that there needed to be a time when it was just Montana residents that were on those two walk wade sections without non-residents so it's not, I didn't think we're going down to, I can be more specific if you want.

Michael Bias: No I was just wondering what our, so my follow up is like which sections on which day kind of, I'm trying to just detail it out a little bit more but I got the gist.

Charlotte Cleveland: Okay.

Mike Mitchell: What's another alternative the group wants to play with?

Julie Eaton: Look at the next group.

Mike Mitchell: Look at the next group? Okay. Plenty of fodder here.

Jim Slattery: (unintelligible)

Melissa Glaser: I think 1 and 2 are very similar so

Mike Mitchell: These two?

Melissa Glaser: One of those

Scott Vollmer: The third alternative

Mike Mitchell: this one?

Scott Vollmer: I'd be happy to look at anyone

Don Skaar: I'd like to see that through

Scott Vollmer: It's more robust

#### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Okay so that will be the second one? Okay

Sarah Sells: I'm collecting everything from that column right?

Mike Mitchell: Other thoughts, she froze the screen so we can't get anything for a minute.

Sarah Sells: What do you want to see.

Mike Mitchell: Okay any of the other alternatives on the screen right now you want to take a look at?

Scott Vollmer: Well the question that I have is how are we going to grab one from group 3 and their computer crashed?

Mike Mitchell: Well we can sure try. It depends on what group 3 wants to do?

Jim Slattery: I think maybe our first one that we came up with might be better.

Mike Mitchell: Which one was that?

Jim Slattery: The first time that we

Tim Aldrich: The first exercise

Mike Mitchell: So you want to grab the one that your group came up with on the last try? Is that what you guys would like to do?

Jim Slattery: Yeah I think that's our most complete.

Scott Vollmer: I personally would like to have something from group 3 on paper.

Mike Mitchell: We'll get that to you so what we'll, do we have something on the screen before from group 3.

Jim Slattery: Yeah

Mike Mitchell: Like this. If we sent this to you and said this is the alternative from group 3 that you can evaluate, is this what you guys would prefer?

Sarah Sells: There's several things which part?

Jim Slattery: The whole thing. Yeah so all those things when it says rule 1 it's from the April 19<sup>th</sup>

Mike Mitchell: These are not alternatives to each other, all three of these would be how you modified rule 1?

Jim Slattery: Well some of it is the same, some of it's not. Best way I can describe it. It says no glass that's what it says in rule 1.

Mike Mitchell: I guess what I'm getting at though is these aren't three different versions of rule 1

Jim Slattery: No it's all part of that yes.

Mike Mitchell: Okay, want to use that one? We're up to three. Can we pick two more? Group 1 alternative 2?

Michael Bias: The citizen day. Which is residents day.

Charlotte Cleveland: The first one has citizens right?

Mike Mitchell: This is the one you're proposing Mike.

Don Skaar: It's got the citizens day.

Michael Bias: Can I ask a question on alternative one? 200,000 days how does that measure?

Mike Mitchell: Let's not get into that.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: We're not up to that. Right now were just playing with these in the decision analysis so we can see how it works.

Michael Bias: That's what we're assuming right, we can get that number.

Mike Mitchell: Don't hang your hat on any of these details. The important thing is that we're evaluating some different alternatives. So Mike did you want to include this one?

Michael Bias: Yeah okay, yeah

Mike Mitchell: Everybody else all right with that?

### **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell: Okay we're up to four. One more

Melissa Glaser: Group 2 alternative 1

Julie Eaton: I agree

Mike Mitchell: this one? Everybody okay with that?

Jim Slattery: Yeah that sounds good.

Mike Mitchell: Okay so again we're just using these to start to look ahead to the decision analysis and what that's going to do is to help us do two things. Refine our thinking on coming up with other alternatives. We'll figure out some stuff about what's missing here, what's not. And the other thing we're going to do, it to help us to think about data that will inform this decision so let's talk about data and informing the decision. So this is the state in structured decision making called estimating the consequences. Any second (unintelligible). There it is. Okay so if you think about it whenever we make a decision individually we predict the future. If I do this will it give me the outcome I like or not? And so predicting the future is part of any

good decision. And it's also really, really difficult. Particularly if you are sort of a data driven science geek like I am. If I don't have the data I am uncomfortable predicting the future. But all too often we still have to try and predict the future in the absence of data because we can 't wait until we have the data so we're going to do the best that we can and that makes people uncomfortable and that's perfectly fine. But what we're getting at are the numbers that you've seen several times in that decision analysis for the lions. And you've see how they've allowed us to evaluate the relative contributions of each alternative to the fundamental objectives that you've defined. It allows us to take a look at tradeoffs and uncertainties. Separates values from facts and this one's really important. When you think about some of the discussions that we've had about data, one thing I want to make really, really clear is there's nothing wrong with values. Ultimately all decisions are based on values. Even if it's like well I value data. But the important thing is to distinguish this is what's important to me versus this is information. So doing this will allow us to make that distinction. And like we've talked about earlier today that consequence table didn't make the decision for the lion group. It informed it, it helped the group to come to a better decision. So one of the things I'm going to be asking the group to do with these five alternatives we've looked at is to fill out what's called a consequence table. So Sarah let's look at that.

Sarah Sells: The one that they're going to be filling out?

Mike Mitchell: What's that?

Sarah Sells: The one they're filling out?

Mike Mitchell: Yep

Sarah Sells: Okay

Mike Mitchell: I warned you.

## **COMMITTEE SAYING YES AT SAME TIME**

Mike Mitchell: Okay everyone's been saying this is complex issue and oh, there it is all right and totally fine. Now one of the things, okay this is a quantitative process. We're going so this is alternative 1 we're going to put a number there for how well alternative one maximizes the satisfaction of non-residents. We're going to put a number there in all of those boxes. Those numbers can come from different places. If data exists that allow you to predict the future so let's say you have a trend in something that is going like this and you say all right so in two years that need will be up here. So that (unintelligible) goes down here. All right we're able to use data. Like I said data aren't always available. So then it comes down to expertise. Personal experience. What you have come to understand over time in the things that you've done on the Madison. And then we'll use, it's called a constructive scale on that where we're quantifying you're expertise of particular things so there are lots of different ways we could do this but this

one's a pretty common one. You're going to put in a number from 1 to 5 in there and so when it comes to, you know how well are we maximizing the satisfaction of non-residents with a particular alternative. One we are not doing it at all, five we're totally nailing it, three is like no big difference and two and four are in between. That's a starting point. Some of these constructed scales are in fact going to end up being what we have to use. Some of these while you're going through, you'll say oh I think we have data for that and at this point don't really care which data. There are different perspectives on the data that are appropriate for this particular problem. Choose the data that makes sense to you. We'll talk about later different forms of data. But so what we're going to ask you to do is for those five alternatives fill out this table. And just for now we'll use this 1 to 5 scale. And so that means for every one of these squares there will be some number between 1 and 5 that you'll put in there based on your expertise, your opinion, your experience. Does that make sense? Does that make sense that's a first for me.

Don Skaar: Do they have to be whole numbers?

Mike Mitchell: Totally. No significant digits.

Tim Aldrich: (unintelligible)

Mike Mitchell: Okay do you see though how we're starting to say all right how each alternative matches up and how it will do for each of our objectives? Now there are a lot of things that will come from this learning exercise. We'll learn the limitations of alternatives we've already come up with because we're going to say well this alternative doesn't do squat. This objective, it's not that it doesn't score well it just doesn't score at all. That makes a difference there. Which means well we're going to have to work on that one some more. You'll also in going through here say well I think this is what we're missing. There's an alternative that we haven't considered yet. It maybe one that you prefer or maybe one that just comes to mind or what have you but it will enable you to come back to the next meeting and we'll be able to discuss with a little bit more of an informed perspective other alternatives, of these five do we want to get rid of some, do we want to add some, what do we want to do. But this will help us to think that through. Does that make sense?

Don Skaar: Mike you obviously intentionally left off the April rule

Mike Mitchell: Well so that will be, the April rule will be alternative 2, do nothing alternative 1 and then we'll put the other 5 on.

Don Skaar: Okay so it will be (unintelligible) then.

Mike Mitchell: Yes, thank you. Questions.

Lauren Wittorp: Are you asking us to send this to you by e-mail?



Mike Mitchell: So Sarah will send you a spreadsheet okay where you can enter the numbers, send the spreadsheet to me and Sarah will pull it together. Remember I talked about how, truth in trying to capture sort of the consensus perspective from the group we're going to average all of your scores. But we're going to keep your original information too so if you want to discuss what you put in there compared to the average scores. But Sarah will have that ready for us next time we get together.

Tim Aldrich: Is it 8 and ½ X 14 paper?

Sarah Sells: Don't make me type all these in.

Mike Mitchell: I'll jot this down in an e-mail and send it out to the group along with the spreadsheet but everybody have the big idea? So next time that we get together you will have sent your spreadsheets to Sarah, filled in with the numbers that you think are most accurate on a 1 to 5 scale. Other alternatives that this analysis suggests we should consider. And then finally here's something that's I think we'll address a lot of discussion that folks have wanted to have about data. If there is something in here so trying to find something, maximize health of the fishery. If we have data on the fishery, whatever data, that allows us to put some numbers in here other than 1 to 5. Come prepared to say I think we can use these data for this particular objective and we don't have to use that 1 to 5 score. That make sense? Sort of? Don you don't look sure.

Jim Slattery: It's fine the way you just said it.

Mike Mitchell: Okay we got this 1 to 5 scale.

Jim Slattery: Right I understand that

Mike Mitchell: And that's just using your personal expertise and opinion. If there are data out there

Jim Slattery: Right

Mike Mitchell: than we don't have to rely on personal expertise and opinion.

Jim Slattery: Okay can still grade between 1 and 5

Mike Mitchell: Between now and next meeting time yes just 1 to 5.

Jim Slattery: Okay

Mike Mitchell: But when we get back together again if there's something out there that allows us to do better than 1 to 5 we can actually use data on the fishery or data on use on the river that we could use to replace the 1 to 5.

Jim Slattery: Okay

Mike Mitchell: Then we'll talk about that then.

Jim Slattery: Okay, that makes it (unintelligible)

Mike Mitchell: Okay sorry about that. Does that clarify things?

Jim Slattery: Sort of

Mike Mitchell: This is what we're doing for now when we get back together if there are data that allow us to do better we'll talk about it. Other questions? So oh,

Don Skaar: I could, at the appropriate time?

Mike Mitchell: At the appropriate time. I don't know when that is. Next week we've been talking about some alternative date, not next week next meeting, we've been talking about alternative dates so the 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> are in play. We need to pick two. Right now we're currently on the schedule for the 25<sup>th</sup> and the 27<sup>th</sup>, which has a day in between the consecutive meetings. We can do that or we can put those two days together back to back. And that's up to you guys. Mark

Mark Odegard: I have question. If we do the 25<sup>th</sup> and 27<sup>th</sup> in Bozeman can we charge the 26, evening of the 26<sup>th</sup> to Fish, Wildlife, and Parks for a motel?

Mike Mitchell: I think that's a valid question. I was wondering the same.

Don Skaar: Yes

Mark Odegard: Then we'd have the night of the 25<sup>th</sup> and 26<sup>th</sup> in a motel in Bozeman.

Mike Mitchell: I think it comes down to you know how do you want to spend that day?

Don Skaar: Particularly you since you find these like low rent places to stay so happy to

Mark Odegard: Yeah mine would probably add up to some peoples single.

Mike Mitchell: So three possibilities, 25<sup>th</sup> 26<sup>th</sup>; 26<sup>th</sup> 27<sup>th</sup>; 25 27<sup>th</sup>?

Melissa Glaser: I'm good with any of them.

Jim Slattery: I like the 25<sup>th</sup> 26<sup>th</sup> would be better, huge trade show to go to on the 28<sup>th</sup> and but I was wanting to do the 27<sup>th</sup> to open it up so we can actually get those meetings in. So that's where I'm at.

Tim Aldrich: I'm really, I hate to be 200 miles away from home and have double trippers done on the day that I don't have any objective there in Bozeman in one sense. Travel for me I guess you know.

Mike Mitchell: Other thoughts?

Mark Odegard: I have no preference.

Mike Mitchell: From a facilitation point I'd appreciate not having to have a down day in the middle of it because yeah I'm 200 miles away from home and not sure what I'd do that day and did I mention this is about me? So what do you think? Three options on the table. The 25<sup>th</sup> 26<sup>th</sup>; 26<sup>th</sup> 27<sup>th</sup>; 25<sup>th</sup> 27<sup>th</sup>.

Melissa Glaser: What about the 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup>?

Michael Bias: Yeah do we need all three days?

Charlotte Cleveland: I think we do.

Julie Eaton: I couldn't take that much. I actually like the break to just, the time to gather my thoughts or do homework although last night I couldn't do much homework. I understand the logistics I'm just saying effectiveness helps me. I'll go with what you all want but it does help to have a day in between.

Mike Mitchell: Do you want time to think about it? Do we need a consensus vote?

Don Skaar: I'd prefer the 25<sup>th</sup> 26<sup>th</sup> but

Scott Vollmer: I think I said in the e-mail is whatever the group wants.

Michael Bias: yeah I don't

Scott Vollmer: It doesn't matter my preference is that we get done.

#### **COMMITTEE TALKING AT SAME TIME**

Tim Aldrich: Just two consecutive days

Scott Vollmer: yeah

Jim Slattery: 25<sup>th</sup> and 26<sup>th</sup>

Mike Mitchell: All right 25<sup>th</sup> and 26<sup>th</sup> is there anybody that cannot live with that? Okay

Michael Bias: Is there a location?

Don Skaar: That's for us to decide.

Michael Bias: West Yellowstone?

#### **COMMITTEE TALKING AT SAME TIME**

Tim Aldrich: Can we cross country ski?

Michael Bias: Well it's one of the local economies that I think needs input.

Mike Mitchell: Up to you guys.

Jim Slattery: Doesn't matter to me, I like Bozeman.

Michael Bias: I know we missed some public members because the meetings in Bozeman that wanted to be there coming out of West Yellowstone.

Jim Slattery: Doesn't matter to me. West Yellowstone's easy

Mike Mitchell: West Yellowstone for the next meeting? Is there anybody that cannot live with that? Okay West Yellowstone it is. Anything else that the group should discuss about what we're doing between now and the next meeting or anything else?

Mark Odegard: Quick question

Mike Mitchell: Yeah

Mark Odegard: I started thinking for about West Yellowstone. Is there a place to meet?

Mike Mitchell: You got me

Mark Odegard: What about hotel rooms?

Jim Slattery: It's off season.

#### **COMMITTEE TALKING AT SAME TIME**

Jim Slattery: It's not a heavy use. But the problem might be that there's a three week or four week that they shut the town down essentially, just take a break and get ready of the onslaught and I don't know when, and that's usually around the end of March and April so that might affect hospitality.

Julie Eaton: Bozeman

Charlotte Cleveland: Bozeman. How about Bozeman?

Mike Mitchell: Back to the Bozezone?

Jim Slattery: Why don't we, someone Mike why don't you task yourself because I think it's good

Michael Bias: We had meetings up there at the I think it was the (unintelligible)  
Community Center

Jim Slattery: What might be better might be the Holiday Inn?

Michael Bias: And the Holiday Inn, man it was pretty nice.

Jim Slattery: Yeah that might be better.

Don Skaar: I'll do it. I'll look into that.

Jim Slattery: Yeah see and if there's going to be availability

Don Skaar: and I'll check in with you when I look into things

Jim Slattery: Okay well I don't have anything

Don Skaar: Get your good housekeeping seal.

Jim Slattery: As far as what would be a good place.

Don Skaar: Yeah

Jim Slattery: All right

Scott Vollmer: We'll call it March 25<sup>th</sup> and 26<sup>th</sup> to be determined.

Don Skaar: Well West Yellowstone if possible and Bozeman otherwise I guess.

Tim Aldrich: You might check the economics of that we had a cost issue (unintelligible)

Michael Bias: That cost analysis doesn't tell me anything.

Tim Aldrich: It does when I pay my taxes though.

Michael Bias: Yes it does, it does when I buy my SRP too.

Mike Mitchell: So we got a plan then? And yeah we've got another petition to join the group and you'll get a copy of that petition shortly and that will be something that we'll get together and discuss first thing, vote on it first thing next time we get together.

Tim Aldrich: The nature of the petition is additional membership?

Mike Mitchell: I have not seen it so

Tim Aldrich: Yes, I've seen it.

Julie Eaton: Don knows

Don Skaar: I'll be sending that electronically to everyone

Tim Aldrich: Okay

Don Skaar: So the rules, the statute says we got to look at it and then vote at the meeting following when we get it an application.

Michael Bias: So would they be at that meeting if they're voted in or do they come to the last day?

Don Skaar: I guess they would be there immediately if they wanted to drive to West, or the next day yeah.

### **COMMITTEE TALKING AT SAME TIME**

Mike Mitchell: Anything else?

Don Skaar: I got these travel forms and I didn't send, I didn't have you guys fill these out for last time and so if you have reimbursements do one for each since they were over two months, it's two different pages and so if you don't want to do it now you can fill it out and just e-mail it to me if you had a hotel bill I'd need a copy of that otherwise the main thing I need on here is your signature and if you indicate your travel times I can fill in for the meals, I'll also need your miles that you drove for your trip. And try to fill those in on the line for the day and the month that you traveled in. If it's not clear I'll give you a call and get some clarification but I think most of you did it the right way last time. And hopefully everyone got paid for the last time?

Mark Odegard: I haven't seen anything.

Don Skaar: Okay well I'll check. It's been submitted. That's for your patience.

Tim Aldrich: If it didn't get direct deposits on the calendar they'd send a check.

Don Skaar: They'd send a check.

Jim Slattery: So what's the accrued interest?

Mike Mitchell: Have we got anything else for the good of the order? Yeah Melissa?

Melissa Glaser: I just wondered if it would be prudent to see if we could get any other dates before the Commission meeting in April that might work for all of us? Just in case we go beyond the (unintelligible)

Mike Mitchell: Not possible Melissa we will be done.

Don Skaar: Yeah that's, yeah if we didn't have anything done by the 26<sup>th</sup> we're not going to have anything for the Commission meeting so it would be, at some point beyond that.

Julie Eaton: So we would not. So we don't need to figure out anything just in case?

Don Skaar: It still would be a good idea to get some dates.

Julie Eaton: When's the Commission meeting?

Tim Aldrich: Just looking at my calendar.

Don Skaar: Isn't it like the 14<sup>th</sup> or something?

Jim Slattery: I'm available the first half of April?

Mike Mitchell: Can I suggest we do this in a group e-mail or something like that rather than trying to sort that out now?

Don Skaar: I'll send out an e-mail. It'll be sometime in April.

Mike Mitchell: I had a request for a break between now and the public comment. That's not a lot of time. We've got 5 minutes, just want to say hats off to you guys, you were real troopers again for the past couple of days and we made a hell of a lot of progress so thanks for all the hard work. Let's be back in here at 4:30 please.

## **COMMITTEE ON BREAK**

## **PUBLIC COMMENT PERIOD**

Travis Horton: My name is Travis Horton I'm going to help facilitate the comment today. What I'd like to do is have people line up in the aisle over there so we're not waiting for the next person to comment to get up out of their seat. We've got a lot of people here so a minute and half or two minutes if you could wrap it up in that time. If I stand up that's when you've hit two minutes. Please be respectful, no boo's, no claps, no sort so opinions to the members of the public and I want to also remind everybody that you had opportunity anytime to go on FWP website and make a comment to this Committee and they'll see that so you have that opportunity as well.

Unidentified Speaker: May I suggest you have a line on both sides otherwise it's going to be a mass. They can alternate.

Travis Horton: Yeah I guess they can do that, they can switch back and forth so let's go ahead and make a line so we can get going to public

Unidentified Speaker: Just another question you said that we can comment on Fish, Wildlife, and Parks website is that on the Madison River page associated with this or is it just an overall comment area of Fish, Wildlife, and Parks?

Don Skaar: Yeah so if you go to our home page, there's two ways you can get to it there's tabs across the top on the how page and if you go to the recreation tab and click on that

you'll see the Negotiated Rule Making Committee or on the home page if you scroll down to the very bottom there's trending news and there's a button there for that as well.

Unidentified Speaker: So it is directed to this Committee

Don Skaar: Yeah

Unidentified Speaker: Thank you.

Travis Horton: So I don't see any lines forming maybe nobody wants to comment.  
(unintelligible)

Mike Mitchell: I had someone ask if folks want to stand up in front of the group instead of having this awkward in between the too, if that's fine with everyone else.

Travis Horton: Now I'll keep with the two lines moving, make one here and make one there and I'll alternate back and forth.

Todd France: Todd France I own Blast and Cast outfitters here in Ennis Montana. I'd like to thank the group, I'd like to thank Mike for facilitating, he's doing a good job. I'd like to say he hit it on the head with values and consequences and I'd like everybody to think about the values and consequences of what's going on here today and I'm going to try and be quick. I know there's not much time. Most of you know I probably have a lot to say. Values and consequences I'll touch on one thing that is very sincere and dear to my heart the values and consequences of this town that I've lived in all my life. The people in the Community that I've known all my life and I want you to think about the values and consequences of what's going to happen to this town with what you decide that you're willing to do with these rules and regulations that are going to affect not just economies, not just outfitters. Now I'd like you to think about the young people, the up and coming people in this Community that have a very limited amount of things that they're going to do, if they want to stay in this Community (unintelligible) I'd very much like to see these people have at least some kind of opportunity as I did the age of 18 years old back in 1986 to be able to be a guide first on this river and then become an outfitter without a heavy investment because low and behold if you believe it or not at 26 years old I didn't have a lot of money and I don't think a lot of these young people that live here have a lot of money. To be able to spend \$400,000 such as the Big Hole Beaverhead to buy in and be able to stay within this Community so please keep that in mind about the values and consequences of the decisions you make. I've got a lot more to say but I know that time is limited. Hopefully I'll get another chance later to address more of the values and consequences and thank you for bringing that up Mike.

Randy Brown: I better get the glasses off. My name is Randy Brown. It's my 40<sup>th</sup> year as an outfitter on the Madison River. Last night we had a meeting after this meeting in the bar upstairs and a couple of the fishing guides were talking, all they wanted to talk about was bunny



fir. They all wanted to know where I got my bunny fir. These guys livelihood is at stake and all they want to talk about is bunny fir. What am I going to do with these fishing guys? I want to talk about the health of the river. I mean the river's pretty darn healthy right now. Back in the heyday on the Madison which is the 1980's when the catch and release of the wild trout program was going full bore up in Pine Butte and the area above Lion Bridge. At the peak of the thing which is the 1980's there was 5,000 fish per mile up there. 5,000 rainbows per mile. That think went along and the whirling disease hit in 94 and a front page article on the Wall Street Journal said the Madison's dead. Whirling disease stay away. They went from 5,000 rainbows per mile to 300 rainbows a mile in Pine Butte. 300 rainbows a mile they almost (unintelligible) the rainbows out. It was bad. Two years ago the rainbows in Pine Butte 3,600 per mile. They're coming back great. It's a real success story and it's a story about the resilience of the river. The river is tough, the river can handle it. Brown trout in Pine Butte in the 1980's in the heyday when we fished dry flies all summer we never fished a wet fly until after Labor Day, 40, 50 fish every day no problem. 2,300 brown trout in Pine Butte, today there's 3,500 brown trout per mile in Pine Butte. Pine Butte is doing great. The river is doing great. There's a lot of fish in this river. The rivers healthy. If you can't catch them I've got cards here I'll hand them out. It's not our fault. I just want to close and say there's a lot of people up here that I've known for a long time. There's good people out here. Thank you for all the input, everything you're doing. There's more than one voice in the river, there's not one organization that has a voice. All of you have a voice. We're all in this together. Free beer later (unintelligible). Thank you.

Brian Rosenberg: Brian Rosenberg. I've been an Ennis resident now for 20 years. I came here first as a recreational angler and second as an outfitter. I've been guiding on the river since 2001 and an outfitter since 2009. I'm going to address one specific thing I don't think has been addressed at all and it's, I'm a float angler primarily right and so we, we're looking at encroachment from a one way tunnel. We're looking at encroachment as boat anglers on wade anglers only. As we're adding this highway access to all of the land below Palisades and we're going to add and promote wade angling in there as a float angler I see more encroachment on me as a float angler right. When I'm out there in a boat and I have banks full of wade anglers that perspective has not been address. We're looking at almost vilifying boats entirely in this equation. We're not at all representing the idea that as I float down to fish a bank and I have 20 or 30 or 40 new wade anglers on that bank is that encroachment on the float anglers perspective. I just don't think that's been addressed so thank you. Thank you for all you're doing.

Ken Sinay: Ken Sinay Yellowstone Safari Company. I'm based out of Bozeman. I may repeat stuff I said last time but I kind of want to expand on that a little bit and give some additional perspectives on certain aspects of it. You know originally the entire purpose of the SRP was to contend with perceive and anticipated crowding and essentially social issues of the lower river. At the time I was very much against the SRP because the lower river essentially from Grey Cliff downstream had no crowding just didn't have those issues. And it essentially still doesn't and I really felt that the SRP wouldn't do us any benefit. And so I still feel that way,

I think it's very important when we're talking about the SRP and these things come up or looking at the alternatives we see things like being aware of what the fishery is but I don't see any bird surveys going on for example. And in addition what's it doing for the riparian zone. So as an SRP permittee what am I getting for what I'm paying? At the same time the upper river has been lost to my business and it was lost because it's overly crowded. I'm not asking anything from the fishing outfitters and I certainly don't want to tick anybody off but I would like to maintain what I have exploited, what I've used and what I feel is in an appropriated way. I did happen to look at the transcript and (unintelligible) really grateful to have those. Last February those guys from Access Unlimited, Jessie I think his name was, those guys brought up some of the same issues that I brought up when I was here last of being provide a valid service, what I feel is a valid service to handicap folks. When I think about the very last time other than last year when I floated the Madison River from Grey Cliff all the way to the Headwaters, I took a blind girl down there. I just thought that was so cool that she was listening to everything and that she could hear the eagles. So it really is a valid, I don't know I thought it was a valid use of my permit, I thought it was a valid thing to have permit. So I don't want to neglect that, there's a distinct bias towards the entire (unintelligible) of this river to deal with fishing issues and crowding issues. And fishing and crowding issues are not on the portion of the river that I utilize and that's only a third of the river. So I just really want to emphasize that.

Travis Horton: Hey Ken, you're over your time

Ken Sinay: I think I'm actually done and so thank you guys very much and thanks for those transcribed notes. Thank you.

Dan Larson: I'm Dan Larson, managing partner of Madison Valley Ranch and Fishing lodge here on the Madison River. We spoke last night. Thank you for having me back again. I know you threw out a lot of ideas today which were to be evaluated that's sort of in your next homework assignment and starting to dig in. There were a couple things dealing with non-resident permit fees or caps really as well as the seasonal or angler cap on outfitted businesses that I wanted to just briefly raise some questions for you and these are tentative just like your tentative proposal (unintelligible). I go back to what Commissioner Aldrige spoke about a couple of times today which was remember what your stated problem and objectives were as you evaluate these. As I understood it sort of summarized perceived social conflict and perceived crowding during the peak season. Let's say June 15<sup>th</sup> to September 15<sup>th</sup>. The proposal or ideas of a cap on the number of non-resident users on a first come first served basis doesn't address those problems. It could have everybody fishing in the salmon fly season and no permits available in September and October and no business for all these people out here or businesses like mine. Same thing with a seasonal or annual cap on outfitter usage that could all occur during your peak season and leave us with nothing in the shoulder seasons. That's when a lot of these people enjoy being employed on the river and it doesn't have any perceived conflicts. So as you think about that please work through that. One last just a brief comment antidotal comment regarding the perceived social conflicts we as a lodge we have guests out, sometimes

20, 25 guests a day out with guides and they come back and we have cocktail hour. That's when we hear about everything. I do not hear of conflicts between our outfitters, our fisherman, and wade fisherman or others. I hear yeah we had to wait at an access point (unintelligible) I will but I don't think the outfitters that are professionals are creating conflicts.

**RECORDINGS STOPPED.**

**END OF MEETING DAY 2.**